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Briefing on How To Use the Federal Register
For information on a briefing in New Orleans, LA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW ORLEANS, LA

WHEN: July 23, at 9:00 am

WHERE: Federal Building, 501 Magazine St., Conference Room 1120, New Orleans, LA

RESERVATIONS: Federal Information Center 1–800–366–2998

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1403

RIN 0560-AC02

Debt Settlement Policies and Procedures

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: An interim rule was published January 4, 1991, at 56 FR 359, amending 7 CFR part 1403, which sets forth the policies and procedures the Commodity Credit Corporation (CCC) uses to settle debts owed to CCC and other agencies of the United States. This final rule adopts the interim rule with one minor change, and amends 7 CFR part 1403 to set forth special policies and procedures for settlement of debts arising from 1988 and 1989 advance deficiency overpayments, as required by the Food, Agriculture, Conservation, and Trade Act of 1990.

EFFECTIVE DATE: This final rule is effective July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Annette Race, Debt Management and Contract Procedures Branch, Financial Management Division, ASCS, (202) 447-6614.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs and prices for consumers, individual industries, federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under Departmental Regulation 1512-1. No sunset review date has been set for this regulation because review is ongoing. This action will not increase the federal paperwork burden for individuals, small businesses, and others and will not have a significant impact on a substantial number of small entities. Therefore, this action is exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

CCC policies and procedures governing the administrative collection, discharge, and referral of debts have been established under a single heading at 7 CFR part 1403. This final rule amends part 1403 to implement special provisions for settlement and collection of delinquent debts arising out of 1988 and 1989 advance deficiency overpayments as required by section 107C of the Agricultural Act of 1949, as amended by section 1121 of the Food, Agriculture, Conservation and Trade Act of 1990.

No public comments were received in response to the interim rule. However, one minor change has been made from the interim rule. It has been determined by CCC that interest assessed in accordance with § 1403.21(d) shall accrue from November 28, 1990, the date the Food, Agriculture, Conservation, and Trade Act of 1990 was enacted, rather than the date CCC has determined a producer has met the conditions in § 1403.21(c), so that producers are not penalized for any delay in implementing the provisions of the Act.

List of Subjects in 7 CFR Part 1403

Debt settlement policies and procedures.

Accordingly, the regulations at 7 CFR part 1403 are amended as follows:

PART 1403—[AMENDED]

1. The authority citation for 7 CFR part 1403 is revised to read as follows:

Authority: 15 U.S.C. 714b and 714c; 7 U.S.C. 1445b-2(b).

2. Section 1403.21 is added to read as follows:

§ 1403.21 Collection of 1988 and 1989 advance deficiency overpayments.

(a) The provisions of this section set forth the policies and procedures for collection of 1988 and 1989 advance deficiency overpayments ("overpayments").

(b) The following definition shall be applicable to this section:

Financial hardship means that condition of a producer in which payment of the debt by lump sum would jeopardize the producer's ability to provide food, shelter, and medical care to his immediate family, or to continue the producer's farming operation, as determined by CCC.

(c) This section applies to collection of overpayments from those producers who are suffering financial hardship, as determined by CCC, and who also meet the following conditions, as determined by CCC:

(1) Who received an advance deficiency payment for the 1988 or 1989 crop of a commodity under part 1413 of this chapter;

(2) Who are required to provide a refund of at least $1,500 of such payment, as a result of the increase in market prices of the commodity;

(3) Who reside in a county, or in a county that is contiguous to a county where CCC has determined that farming, ranching, or aquaculture operations have been substantially affected as evidenced by a reduction in normal production for the county of at least 30 percent during two of the three crop years 1988, 1989, and 1990 by:

(i) A natural disaster designated by the Secretary of Agriculture;

(ii) A major disaster or emergency designated by the President under the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*);

(4) Where the total quantity of the 1988 or 1989 crop of the commodity that the producers were able to harvest is less than the result of multiplying 65 percent of the farm payment yield established CCC for the crop by the sum

of the acreage planted for the harvest and the acreage prevented from being planted (because of the disaster or emergency referred to in paragraph (c)(3) of this section) for the crop; and

(5) Who have applied to the County Agricultural Stabilization and Conservation Service Office which issued the advance deficiency payment, no later than May 31, 1991, for a determination of eligibility for the repayment provisions of this section.

(d) CCC shall assess interest on delinquent debts for 1988 or 1989 overpayments as follows:

(1) CCC shall establish a regional annual interest rate for each of 12 geographic regions, corresponding to the extent practicable, as determined by CCC, with the 12 geographic districts of the Farm Credit System.

(2) Each regional annual interest rate shall not exceed the average of the interest rates charged by Farm Credit System institutions within the region to high-risk borrowers on 1-year operating loans, as determined by CCC based upon information provided to CCC by the Farm Credit System.

(3) Interest shall accrue at the established regional annual interest rate for the region in which the debt arose, beginning November 28, 1990.

(e) CCC shall not offset, in each of the crop years 1990, 1991, and 1992, more than ⅓ of the farm program payments otherwise due a producer, as a result of the producer's delinquency in repaying the overpayment.

(f) CCC shall permit producers to repay the overpayment in three equal installments during each of the crop years 1990, 1991, and 1992, if the producers document to CCC that they have entered into agreements to obtain multiperil crop insurance policies for the 1991 and 1992 crop years.

Signed at Washington, DC, on July 9, 1991.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91–16884 Filed 7–15–91; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–ANE–25; Amendment 39–7066]

Airworthiness Directives; General Electric Company (GE) CF6–6 Series Turbofan Engine.

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to GE CF6–6 series turbofan engines, which requires ultrasonic and eddy current inspections and provides criteria for the removal from service of certain stage 1 fan disks which may have metallurgical defects. This amendment is prompted by concerns of traceability of suspect material used in the manufacture of certain stage 1 fan disks and the probability of the existence of a metallurgical defect in the disk bore which can adversely affect the service life of the disk. This condition, if not corrected, could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective August 5, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 5, 1991.

ADDRESSES: Send comments in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, attention: Rules Docket No. 91–ANE–25, 12 New England Executive Park, Burlington, Massachusetts 01803–5299 or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable service information may be obtained from General Electric Company, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Robert E. Guyotte, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5299 (617) 273–7094.

SUPPLEMENTARY INFORMATION: On November 24, 1989, the FAA issued AD 89–20–01 R1, Amendment 39–6411 (54 FR 51015, December 12, 1989), to establish ultrasonic inspection requirements for certain stage 1 fan disks installed on GE CF6–6 series turbofan engines. That action was prompted by an uncontained engine failure resulting from the presence of a metallurgical defect in the disk bore of a stage 1 fan disk that failed during flight and was uncontained.

Since issuance of AD 89–20–01 R1, the FAA has determined that additional stage 1 fan disks may have been produced from similar suspect material for which traceability of the suspect material from finished machined disk to the heat lot of material from which it was produced is uncertain. Certain disks have been determined to have a higher probability of having a metallurgical defect in the bore forward corner which could propagate to failure prior to the fan disk reaching its life limit. Although certain parts have been removed from service, they are included in this AD for completeness. This condition, if not corrected, could result in an uncontained engine failure and damage to the aircraft.

The FAA has reviewed and approved the technical content of GE CF6–6 Service Bulletin (SB) 72–962, Revision 3, dated May 22, 1991, which describes procedures for ultrasonic and/or eddy current inspection of the stage 1 fan disk.

Since this situation is likely to exist or develop on other engines of this same type design, this AD requires ultrasonic and eddy current fan disk bore inspections and provides criteria for the removal from service of affected disks.

Since a situation exists which could result in an uncontained engine failure, there is a need to minimize the exposure of revenue service aircraft to this unsafe condition. In addition, based on the above and the need to inspect and remove from service certain stage 1 disks that have metallurgical defects, as soon as practicable, a situation exists that requires the immediate adoption of this regulation. Therefore, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the FAA, New England Region, Office of the Assistant Chief Counsel, attention: Rules Docket No. 91–ANE–25, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. All communications received by the deadline date indicated above will be considered by the Administrator, and the AD may be changed in light of the comments received.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 29, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

91–15–03 **General Electric Company:** Amendment 39–7066. Docket No. 91–ANE–25.

Applicability: General Electric Company (GE) CF6–6 series turbofan engines installed on, but not limited to, McDonnell Douglas DC10–10 aircraft.

Compliance: Required as indicated, unless previously accomplished.

To prevent an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Remove from service stage 1 fan disks identified by serial number (S/N) in Group A, Figure 3 of GE CF6–6 Service Bulletin (SB) 72–962, Revision 3, dated May 22, 1991, within the next 10 cycles in service (CIS) after the effective date of this AD and replace with a serviceable part.

(b) Eddy current inspect in accordance with GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, the bore forward corner of stage 1 fan disks identified by S/N in Group B, Figure 3 of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, as follows:

(1) For disks which on the effective date of this AD have not received an eddy current inspection in accordance with the Accomplishment Instructions of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, inspect in accordance with the following schedule:

(i) Within the next 100 CIS after the effective date of this AD, for disks which on the effective date of this AD have accumulated 1,250 CIS or greater since accomplishing the immersion ultrasonic inspection in accordance with the Accomplishment Instructions, paragraph 2.B. of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991.

(ii) Within the next 100 CIS after the effective date of this AD or prior to accumulating 1,250 CIS since the immersion ultrasonic inspection, whichever comes later, for disks which on the effective date of this AD have accumulated less than 1,250 CIS since accomplishing the immersion ultrasonic inspection in accordance with the Accomplishment Instructions, paragraph 2.B. of GE SB 72–962, Revision 3, dated May 22, 1991.

(2) For disks which on the effective date of this AD, have received an eddy current inspection in accordance with the Accomplishment Instructions of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, inspect in accordance with the following schedule:

(i) Within the next 100 CIS after the effective date of this AD for those disks which on the effective date of this AD have accumulated 1,500 CIS or greater since accomplishing the immersion ultrasonic inspection in accordance with the Accomplishment Instructions, paragraph 2.B. of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991.

(ii) Within the next 100 CIS after the effective date of this AD or prior to accumulating 1,500 CIS since accomplishing the immersion ultrasonic inspection, in accordance with the Accomplishment Instructions, paragraph 2.B of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, whichever occurs later, for those disks which on the effective date of this AD have accumulated less than 1,500 CIS since accomplishing the immersion ultrasonic inspection in accordance with the Accomplishment Instructions, paragraph 2.B. of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991.

(c) Thereafter, eddy current inspect the bore forward corner of stage 1 fan disks which meet the acceptance criteria of paragraph 2.A.(2)(c) of the Accomplishment Instructions of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, at intervals not to exceed 500 CIS since last eddy current inspection.

(d) Remove from service prior to further flight and replace with a serviceable part, disks inspected in accordance with paragraphs (b) and (c) of this AD, which do not meet the acceptance criteria of paragraph 2.A.(2)(c) of the Accomplishment Instructions of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991.

(e) Remove from service and replace with a serviceable part all Group B stage 1 fan disks at the next shop visit but no later than 2,500 CIS since immersion ultrasonic inspection in accordance with the Accomplishment Instructions, paragraph 2.B of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, or June 30, 1992, whichever occurs first.

(f) Immersion ultrasonic inspect in accordance with the Accomplishment Instructions, paragraph 2.B. of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991, at the next engine shop visit or no later than December 31, 1991, whichever occurs first, stage 1 fan disks identified by S/N in Group C, Figure 3 of GE SB 72–962, Revision 3, dated May 22, 1991.

(g) For the purpose of this AD, "shop visit" is defined as the induction of the engine into the shop for any reason.

(h) Stage 1 fan disks that have been inspected to the Immersion Ultrasonic Inspection of CF6–6 Commercial Engine Service Memorandum (CESM) No. 98, have been found serviceable and comply with the immersion ultrasonic requirements of this AD.

(i) Remove from service prior to further flight those disks inspected in accordance with paragraph (f) of this AD which do not meet the acceptance criteria of paragraph 2.B. of the Accomplishment Instructions of GE CF6–6 SB 72–962, Revision 3, dated May 22, 1991.

(j) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(k) Upon submission of substantiating data by an owner or operator through an FAA Inspector, (maintenance, avionics, or operations, as appropriate) an alternate method of compliance with the requirements of this AD or adjustments to the compliance schedules specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

The inspections and removal of fan disks shall be done in accordance with the following General Electric service documents:

Document No.	Page No.	Issue	Date
CF6–6 S/B 72–962	1 and 13	Rev. 3	May 22, 1991.
	2 thru 4, 8, 12, and 14	Rev. 2	Feb. 8, 1991.
	6, 9, 10	Rev. 1	Dec. 20, 1990.
	5, 7, and 11	Original	July 2, 1990.
Total Pages: 14			
CF6–6 CESM No. 98	1 thru 3	Rev. 2	Oct. 5, 1989.
Total Pages: 3			

This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to General Electric Company, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington DC.

This amendment (39–7066, AD 91–15–03) becomes effective August 5, 1991.

Issued in Burlington, Massachusetts, on June 25, 1991.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91–16821 Filed 7–15–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Public Notice 1424]

Visas: Documentation of Immigrants Under Section 154 of Public Law 101–649

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule promulgates final regulations to implement the provision of section 154 of Public Law 101–649, as it relates to natives of Hong Kong who are issued immigrant visas under sections 203(a) (1), (2), (4), and (5) of the INA or, beginning in fiscal year 1992, under sections 203(a) (1), (2), (3), and (4) and 203(b)(1) of the INA. Section 154 authorizes extending the validity of immigrant visas issued to certain immigrant aliens for a specified period. This final rule, in addition to editorial changes, contains certain other changes, described in detail below, resulting from an analysis of the comments received during the comment period.

EFFECTIVE DATE: August 15, 1991.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully III, Director, Office of Legislation, Regulations, and Advisory Assistance, Visa Office, Department of State, Washington, DC 20522–0113; (202) 663–1184.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making (1329) on this subject was published on January 30, 1991. The comment period ended on March 1, 1991.

Analysis of Comments

During the comment period, the Department received two comments directed to, or bearing upon, this proposed rule. One of the commenters limited the comments to the applicability of the proposed regulations to aliens within the purview of section 124 of Public Law 101–649—certain employees of U.S. business entities in Hong Kong. Those comments are discussed in detail in the **SUPPLEMENTARY INFORMATION** portion of the Final Rule promulgating part 45 of title 22, Code of Federal Regulations, and resulted in several changes in that part.

As a result of that comment and the resulting changes, new § 42.72(e), proposed here, will be modified to remove therefrom all references to aliens within the purview of section 124. This final rule will confine itself to the implementation of section 154 only insofar as it relates to natives of Hong Kong who are issued immigrant visas under sections 203(a) (1), (2), (4), and (5) of the INA or, beginning in fiscal year 1992, under sections 203(a) (1), (2), (3) and (4), and 203(b)(1) of the Immigration and Nationality Act.

In addition, as a result of consideration of this matter within the Department itself and of communications with respect thereto between the Department and the Consulate General at Hong Kong, certain changes have been made in the mechanical implementation of the provisions of section 154.

Procedural Elements

First, when an alien entitled to have the validity of his or her visa extended under section 154 makes such a request, the visa will be endorsed "Section 154 applies." This step will be in addition to an explanation to the alien by the consular officer of the requirements the alien must meet prior to actual travel to the United States. The Department believes that this endorsement will serve to bring those requirements more forcefully to the alien's attention and will also alert INS port of entry inspection personnel to the existence of the requirement should an individual visa recipient attempt to apply for admission without meeting those requirements.

Second, when an alien required to seek a redetermination of admissibility prior to actual travel does so, the consular officer will not endorse the original visa to reflect a successful redetermination. Rather, the consular officer will issue to the alien a duplicate immigrant visa, inserting the word "Duplicate" in front of the word "Immigrant" on Form OF–155A. This change was motivated by two factors. There was concern that the endorsement originally proposed for this purpose might be imitated and fraudulently placed in an immigrant visa. In addition, there was a question about the fee to be charged for the required redetermination. To address both these concerns, the Department decided to provide for the issuance of a duplicate immigrant visa to an alien upon a determination by the consular officer that the alien remains admissible, as required by section 154. The alien will be required to pay the standard immigrant visa issuance fee in connection with that process.

Revocation of Visa Based on Relationship

The second commenter addressed exclusively the question of the substantive requirements to be imposed at the time of the required redetermination of admissibility. The commenter argued strongly that the only requirements which should be imposed involve a redetermination whether the alien is excludable under the grounds of exclusion set forth in section 212(a) of the INA. The commenter insisted that a review of the entitlement of the alien to the immigrant visa classification of the

issued immigrant visa should not be a part of the redetermination.

The commenter raises a significant issue here, one which deserves careful attention. With the exception of immigrants classified under section 203(b)(1)—the new priority worker classification which takes effect October 1, 1991—all aliens entitled to make use of the extended visa validity provision will be aliens who qualified, either directly or indirectly, for visa issuance on the basis of a relationship to a United States citizen or permanent resident. The question raised by the commenter is the extent to which the termination of the relationship and/or status on which the approval of the petition was based should affect the validity of the immigrant visa for which the recipient qualified by reason of the approval of the petition.

The generally applicable rule is that an immigrant visa must be revoked when the status or relationship upon which it was based is terminated. INS regulations concerning petition revocation—found at title 8, Code of Federal Regulations, part 205—which are based upon section 205 of the INA provide for revocation of an approved relative petition on such a basis. Thus, for example, the death of either the petitioner or the beneficiary results in an automatic revocation of the petition. INS regulations do provide for preserving the validity of a relative petition after the death of the petitioner in individual cases for humanitarian reasons, but that provision requires an individual request for such action supported by a recitation of the humanitarian factors involved. There is no provision for the preservation of the validity of a relative petition after the death of the beneficiary.

Other events or occurrences can terminate the validity of either a relative immigrant visa petition or an immigrant visa issued to an alien as a result of the petition. For example, a second preference petition approved in behalf of the spouse of a permanent resident is revoked automatically if the marriage between the petitioner and the beneficiary is terminated by divorce or annulment. If an immigrant visa has been issued to the beneficiary, the immigrant visa must be revoked upon revocation of the underlying petition.

Also, there are cases of derivative beneficiaries of relative petitions which have to be considered in this respect. As an example, the beneficiary of a petition approved to accord status under section 203(a)(4) of the INA—which becomes section 203(a)(3) as of October 1, 1991—is by definition married. The beneficiary's spouse and children are entitled to status derivatively by reason of their relationship to the beneficiary. This derivative entitlement subsists only so long as (1) the principal alien (petition beneficiary) remains alive; (2) the spouse remains married to the principal alien; or (3) the child of the principal alien remains a child as defined by the INA—under age 21 and unmarried. In a like manner, many but not all beneficiaries of petitions to accord status under section 203(a)(5—which will become section 203(a)(4) as of October 1, 1991—will be married and/or have children.

Validity of Extended Visa When Relationship and Status Is Terminated

The question then arises whether a visa having extended validity can be held to remain valid even though the relationship and/or status which allowed for the issuance of the visa initially has terminated in the meantime. The Congress recognized that this issue would arise, at least in the case of aliens whose visa eligibility was based upon having the status of "child" within the meaning of section 101(b)(1) at the time of visa issuance. Section 154(d) explicitly provides that an alien whose visa was issued to him or her as a "child" shall be deemed to be a "child" within the meaning of the INA throughout the entire period of validity of the visa. This action disposes of that question and the proposed regulations implement the provision according to its tenor.

What of the other possible situations which might occur? The Department does not find a basis for preserving visa validity for a spouse whose visa was based on derivative entitlement in the face of a divorce from, or annulment of the spouse's marriage to, the principal alien (petition beneficiary). As mentioned above, there is a provision in existing INS regulations under which, in an individual case, the validity of a relative petition may be preserved after the death of the petitioner. Aliens to whom an immigrant visa has been issued whose petitioning relative dies prior to their application for admission may seek relief individually under this provision. There is no provision or regulations under which the entitlement of derivative aliens (spouses or children of petition beneficiaries) can survive the death of the petition beneficiary.

It is true that House Report 101–723 does not include the statement (at p. 74) that "(i)n the case of the death of a visa holder the Committee believes that the derivatives with family members in the United States should be able to use the visa." The Department does not find this statement, standing alone, to be a basis for establishing a regulatory provision to this effect, especially in light of the fact that the Congress specifically addressed the question of preserving the entitlement of a "child" who ceased to be a "child" by reason of attaining age 21 or marrying. Accordingly, the Department is not making provision in its regulations for preserving the validity of an immigrant visa after the termination of the relationship and/or status which made possible the issuance of the visa, except in the case of an alien whose visa was based upon the status of "child" within the meaning of section 101(b)(1) of the Act.

This rule also contains editorial corrections.

This rule is not considered to be a major rule for purposes of Executive Order 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This final rule imposes no reporting or record-keeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Visas, Validity of Visa.

In view of the modifications discussed in the preamble, 22 CFR Part 42 is amended as follows:

PART 42—[AMENDED]

1. The authority citation for part 42 is revised to read:

Authority: 8 U.S.C. 1104, 1201 note.

2. Section 42.72 is amended by adding paragraph (e) to read as follows:

§ 42.72 Validity of visa.

* * * * *

(e) Aliens entitled to the benefits of sections 154 (a) and (b) of (Pub. L. 101–649.)

(1) Notwithstanding the provisions of paragraphs (a) through (d) of this section, the period of validity of an immigrant visa issued to an immigrant described in paragraph (e)(2) of this section may, at the request of the applicant, be extended until January 1, 2002, if the applicant so requests either at the time of issuance of the visa or within four months thereafter. If an applicant entitled to issuance of an immigrant visa having an extended period of validity fails to request extended validity at the time of issuance but subsequently, within four months thereafter, requests that the validity be extended pursuant to this paragraph, the consular officer shall issue a

replacement visa to the alien in accordance with the provisions of § 42.74(b).

(2) An immigrant may request the extended period of validity provided for in paragraph (e)(1) of this section if he or she is

(i) Resident in Hong Kong as of the date of enactment of Public Law 101–649;

(ii) Chargeable to the foreign state limitation for Hong Kong; and

(iii) Classifiable, during fiscal year 1991, as a preference immigrant under section 203(a) (1), (2), (4), or (5) of the INA or, during fiscal year 1992 and thereafter, as a preference immigrant under section 203(a) (1), (2), (3), or (4), or 203(b)(1) of the INA.

(3) An alien who elects to have the period of validity of his or her immigrant visa extended as provided in paragraph (e)(1) of this section and whose entitlement to the immigrant classification of such visa was based upon his or her status as a child at the time of issuance shall not cease to be entitled to such visa by reason of attaining age twenty-one or marrying prior to his or her application for admission into the United States.

(4) An alien who has elected to have the period of validity of his or her visa extended pursuant to paragraph (e)(1) of this section shall, if his or her contemplated date of application for admission into the United States is later than four months following the date of visa issuance, notify the appropriate consular officer of his or her intention to travel to the United States for this purpose. The consular officer shall thereupon schedule an appointment with such alien for the purpose of determining whether or not the alien remains admissible into the United States as an immigrant. Such appointment shall be scheduled not sooner than four months preceding the alien's contemplated date of application for admission for permanent residence. If the consular officer determines that the alien continues to be admissible to the United States as an immigrant, he or she shall issue to the alien a duplicate immigrant visa as provided in § 42.74 of this part except that the alien shall pay only a new issuance fee. If the consular officer determines that the alien has become inadmissible to the United States as an immigrant, he or she shall revoke the visa as provided in § 42.82 of this part. A consular officer who issues a visa having an extended period of validity pursuant to this paragraph shall, at the time of visa issuance, inscribe on the face of the visa "Section 154 applies" and shall notify in writing the alien concerned of this requirement.

Dated: June 25, 1991.

James Ward,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 91–16794 Filed 7–15–91; 8:45 am]

BILLING CODE 4710–06–M

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22 CFR Part 47

[Public Notice 1426]

Visas: Documentation of Immigrants Under Section 134 of Public Law 101–649

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule promulgates final regulations establishing a new part 47 to 22 CFR to implement the provisions of section 134 under which the issuance of immigrant visas is authorized for up to 1,000 displaced Tibetans, their spouses and children during the course of fiscal years 1991, 1992, and 1993.

EFFECTIVE DATE: August 15, 1991.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully, III, Director, Office of Legislation, Regulations, and Advisory Assistance, Visa Office, Department of State, Washington, DC, 20522–0113, (202) 663–1184.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (1363) was published on this subject on April 5, 1991, and the period for comment expired on May 6, 1991. The proposed rule is adopted with one modification in response to a comment which pointed out that the regulation at § 47.7(b) did not include the provision that visas not used by the one sub-class may be issued to members of the other. This rule amends the first sentence of § 47.7(b) to incorporate the proviso suggested by the commenter.

Comments Received

During the comment period the Department received four comments of which only one warranted a modification.

Three commenters questioned the proposal to have applications under section 134 channeled through the Central Tibetan Administration (CTA) in Dharmsala, India. The Department formulated this proposal after carefully considering the legislative history of this section. This section originated in slightly different form (the differences being editorial, rather than substantive, in character) in H.R. 4300, the House version of the Immigration Act of 1990. House Report 101–723, which accompanied that bill, contains a detailed comment upon the provision, at pp. 77–78. The Conference Report (House Report 101–955) includes no discussion of section 134. Thus, the Department was guided by the House Report, which states (at p. 77) that "* * * since most of them (the displaced Tibetans) will not have relatives here and will not tend to be wealthy, the Committee anticipates that the U.S. Government will work with U.S. based voluntary organizations that are interested in resettling the Tibetans. The Report also states that "(t)he Committee also expects that the groups and the U.S. Government will work closely with and consult with the Tibetan government in exile in India." After considering how best to give effect to this clear expectation of the Congress that both U.S. based voluntary agencies and the CTA should be closely involved in the process, the Department concluded that it was appropriate to rely upon the CTA as the channel through which applications for visas under section 134 would be submitted for consideration by the consular officer. The CTA understands the necessity of having appropriate resettlement arrangements made for the applicants and can work with interested voluntary agencies with respect to that aspect of the program.

In this way, effect is given to the clearly expressed intent of the Congress in enacting section 134, while at the same time leaving the ultimate responsibility and authority for the issuance or refusal of visas to individual applicants with the consular officer, consistent with the provisions of the immigration laws generally.

Two of the same three commenters also questioned the fact that the proposed regulations make it impossible for a Tibetan who has taken up residence in the United States to participate in the program. One of the two referred explicitly to Tibetans who had entered the United States and established themselves here (apparently without legal status). To these comments, the Department can only respond that section 134 explicitly defines a beneficiary as "* * * an alien who: (1) Is a native of Tibet, and (2) since before the date of the enactment of this Act, has been continuously residing in India or Nepal * * *." In addition, the discussion in House Report 101–723 previously referred to reflects an unequivocal expectation on the part of the Congress that the beneficiaries of section 134 will not be Tibetans generally but rather Tibetans residing in India or Nepal. In the face of this degree of specificity, the Department does not believe that it could support regulations

expanding the beneficiary class to include Tibetans who might be residing elsewhere, including the United States.

Modifying Comment

The fourth commenter noted that in the Supplementary Information the Department explained that the 1,000 available visas would be apportioned equally between the two sub-classes—those most likely to resettle successfully in the United States and those recently arrived in India or Nepal—and that any visas not used for members of one sub-class would be available for use by the other. The commenter pointed out that the regulatory provision on this subject—§ 47.7(b) did not include the latter proviso and suggested that it be incorporated into the regulation. The Department believes that this is an appropriate suggestion and is amending § 47.7(b) to include the provision that visas not used by the one sub-class may be issued to members of the other. Accordingly, the proposed rule is modified as indicated in the preamble.

This rule is not considered to be a major rule for purposes of Executive Order 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The collection of information requirements in this rule is being submitted to OMB in accordance with the provisions of the Paperwork Reduction Act of 1980. Form OF-222 is being reinstated for the use of applicants benefiting from special legislation such as the beneficiaries of this final rule.

List of Subjects in 22 CFR Part 47

Immigrants, Numerical limitations, Tibetans, Visas.

Final Regulations

In view of the foregoing, title 22, Code of Federal Regulations, is amended by adding part 47 to chapter I, subchapter E—Visas, to read:

PART 47—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER SECTION 134 OF PUBLIC LAW 101-649

Sec.
47.1 General.
47.2 Definition.
47.3 Place of application.
47.4 Liaison with the Central Tibetan Administration.
47.5 Determination regarding successful resettlement.
47.6 Order of consideration.
47.7 Control of numerical limitation.

Authority: 8 U.S.C. 1104, 1153 note.

§ 47.1 General.

Except as specifically provided in this part, the provisions of the Immigration and Nationality Act, as amended, and of part 42 of this chapter shall apply to applications for, consideration of, and issuance or refusal of immigrant visas under section 134 of Public Law 101-649.

§ 47.2 Definition.

For purposes of this part, a "displaced Tibetan" includes not only a native of Tibet but also the son, daughter, grandson or granddaughter of a person born in Tibet, who has been living continuously in India or Nepal since before November 29, 1990, and the spouse and child, if any, of such person.

§ 47.3 Place of application.

Application for immigrant visas pursuant to this part shall be submitted to, and adjudicated by consular officers assigned to, the United States Embassy at New Delhi, India.

§ 47.4 Liaison with the Central Tibetan Administration.

The consular office at New Delhi shall communicate with representatives of the Central Tibetan Administration (CTA) to inform them of the requirements and procedures for the submission and adjudication of applications for visas pursuant to this part and shall furnish to such representatives copies of Form OF-222 with instructions concerning completion of that Form and the documents required to be submitted with it. The consular officer is also authorized to carry out such activities with representatives of such private voluntary agencies as may be identified by CTA as cooperating with it in arranging for the immigration of beneficiaries of section 134 of Public Law 101-649.

§ 47.5 Determination regarding successful resettlement.

A determination that an applicant might resettle successfully in the United States shall be based upon factors including, but not limited to, family or other ties to the United States, marketable job skills, proficiency in English, age, and the nature of the arrangements made for the resettlement and placement of the applicant in the United States, after entry.

§ 47.6 Order of consideration.

The consular officer at New Delhi shall give consideration to applications for immigrant visas pursuant to this part in the order in which such applications are received from the CTA for consideration.

§ 47.7 Control of numerical limitation.

(a) Control of the numerical limitation specified in section 134(a) of (Pub. L. 101-649) shall be exercised by the consular officer at New Delhi. The consular officer shall ensure that not more than 1,000 immigrant visas are issued pursuant to this part, except that, if a recipient of an immigrant visa is excluded from admission to the United States and deported or fails to use the immigrant visa before the expiration of its validity, an immigrant visa may be issued in lieu thereof to another qualified alien. Authority to issue immigrant visas pursuant to this part shall expire on September 30, 1993. Within that time period and the overall limitation of 1,000 immigrant visas, there shall be no fiscal year, quarterly, or monthly limitation on the issuance of immigrant visas pursuant to this part.

(b) In issuing immigrant visas pursuant to this part, the consular officer at New Delhi shall ensure that visas are apportioned equally among aliens most likely to resettle successfully in the United States and those not firmly resettled in India or Nepal, provided, however, that visas not required for issuance to either group may be made available to members of the other group. In addition, the consular officer shall ensure that beneficiary aliens physically present in Nepal are given appropriate consideration, taking into account the relative size of the Tibetan communities in India and Nepal, respectively.

Dated: June 25, 1991.

James Ward,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 91-16796 Filed 7-15-91; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Subtitle A

[Docket Nos. N-91-3198; FR-2967-N-02, N-91-3199; FR-2966-N-02, N-91-3200; FR-2968-N-02]

HOPE for Homeownership of Multifamily Units Program; HOPE for Public and Indian Housing Homeownership Program; HOPE for Homeownership of Single Family Homes Program

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of extension of time for public comments.

SUMMARY: On February 4, 1991, HUD published notices of program guidelines

to govern initial operation of the three HOPE programs authorized under the Cranston-Gonzalez National Affordable Housing Act. The public comment due date for each of the documents was May 6, 1991. The purpose of this notice is to extend the public comment period, for each of the three documents, to September 30, 1991.

DATES: Comment due date: September 30, 1991.

ADDRESSES: Interested persons are invited to submit comments regarding this rule (Notice) to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

As a convenience to commenters, the Rules Docket Clerk will accept brief public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 708–4337. Only public comments of six or fewer total pages will be accepted via FAX transmittal. This limitation is necessary in order to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be accepted. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk ((202) 708–2084). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: For HOPE for Homeownership for Multifamily Units Program: Audrey Hinton, Acting Director, Office of Multifamily Housing Preservation and Property Disposition, room 6164, (202) 708–0216.

For HOPE for Public and Indian Housing Homeownership Program: Gary Van Buskirk, Homeownership Division for Public and Indian Housing, room 4112, (202) 708–4233.

For HOPE for Homeownership of Single Family Homes Program: John Garrity, Office of Urban Rehabilitation, room 7158, (202) 708–0324.

With reference to each of the above-listed contact points, assistance for persons who are hearing- or speech-impaired may be secured through TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY, 1–800–877–8339, or (202) 708–9300. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. (Telephone numbers, other than "800" TDD numbers, are not toll-free.)

SUPPLEMENTARY INFORMATION: All three of the HOPE initiatives were published at notices of program guidelines on February 4, 1991. HOPE for Homeownership of Multifamily Housing Units (56 FR 4436); HOPE for Public and Indian Housing Homeownership (56 FR 4412) and HOPE for Homeownership of Single Family Homes (56 FR 4458) each provide initial implementation instructions, in the form of program guidelines (as authorized by NAHA) for new grant programs providing for a variety of homeownership opportunities.

Each of the February 4, 1991 documents requested public comment by May 6, 1991. The Department was attempting to provide for early implementation of these new authorities, upon receipt of appropriations, and intended to publish notices of fund availability associated with each program following appropriation action. The comment period of 90 days, while unusually long, was considered necessary to permit full public comment on these complex proposals. It was expected that the May 6, 1991 closing date for comments would permit timely follow-up publication of final rules and other documents necessary for permanent implementation of the programs. The statute provides timetables for issuance of final rules under these programs, but these timetables take effect only upon appropriations action.

Since no appropriations are now expected for the HOPE programs in FY 1991, and since there is ample evidence of high public interest in these programs and in the particular policy choices the Department made in its initial program guidelines, HUD has decided to extend the public comment for all three initiatives until September 30, 1991.

Accordingly, the comment period is extended until September 30, 1991. All comments received to date, including those received after May 6, 1991, will be taken into account in the development of final rules for these programs, and comments received on or before September 30, 1991 will be reviewed and considered in the same manner and to the same extent.

Dated: July 9, 1991.

Jack Kemp,

Secretary.

[FR Doc. 91–16929 Filed 7–15–91; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 50

[Order No. 1507–91]

Modification of Policy With Regard to Open Judicial Proceedings

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Section 50.9 of title 28 of the Code of Federal Regulations delineates the Department of Justice's policy regarding open judicial proceedings. Paragraph (e) lists situations in which this policy does not apply. This final rule amends 28 CFR 50.9(e) by adding to the list of exceptions to the Department's policy an exception for closures pursuant to 18 U.S.C. 3509 (d) and (e) for the protection of child victims or child witnesses.

EFFECTIVE DATE: June 28, 1991.

FOR FURTHER INFORMATION CONTACT: Roger B. Cubbage, Deputy Chief, Ezra H. Friedman, Senior Legal Advisor, or Donald B. Nicholson, Attorney, General Litigation and Legal Advice Section, Criminal Division, Department of Justice, Washington, DC 20530, telephone number (202) 514–1061.

SUPPLEMENTARY INFORMATION: Because of the vital public interest in open judicial proceedings, the Department of Justice generally opposes the closure of such proceedings, as reflected by the Department's statement of policy set forth at 28 CFR 50.9. Nevertheless, paragraph (e) of § 50.9 excepts certain proceedings from this policy, including proceedings involving national security information or classified documents; *in camera* inspection, consideration, or sealing of certain documents; grand jury proceedings; and bench and chamber conferences. This final rule creates another exception from this policy for closures to protect child victims and child witnesses. Recognizing the special difficulties encountered by child victims and witnesses in dealing with the judicial process, Congress, in the Victims of Child Abuse Act of 1990 ("Act") (incorporated as title II of the Crime Control Act of 1990, Pub. L. No. 101–647, 104 Stat. 4792 (Nov. 29, 1990)), devised a number of special provisions to protect child victims and witnesses in this context. Many of these provisions are found in section 3509 of title 18, United States Code. Section 3509(d) requires most persons who are involved in a Federal criminal proceeding which concerns a child victim or witness to keep in a secure place and to file under

seal all documents disclosing the name of, or other information concerning, a child. Section 3509(d) also permits the court to issue a protective order which, among other things, may provide for the taking of testimony in a closed courtroom in order to prevent public disclosure of the name of, or other information concerning, the child, "if the court determines that there is a significant possibility that such disclosure would be detrimental to the child." Section 3509(e) authorizes the court to close the courtroom when a child testifies "if the court determines on the record that requiring the child to testify in open court would cause substantial psychological harm to the child or would result in the child's inability to effectively communicate."

Although the Department opposes closure of judicial proceedings as a matter of general policy, the Department agrees that where there is a significant possibility that open proceedings would be detrimental to a child victim or witness, or would result in the child's inability to communicate effectively, it is appropriate to close the proceedings. Therefore, the Department has amended its closure policy statement by adding an exception for such cases as new subparagraph (5) of paragraph (e) of 28 CFR 50.9.

Because this final rule is a general statement of agency policy, the Department of Justice finds inapplicable the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date. Moreover, in accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of Executive Order No. 12291, nor does it have Federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of Executive Order No. 12612.

List of Subjects in 28 CFR Part 50

Administrative practice and procedure.

PART 50—[AMENDED]

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509, 516 and 519, and 5 U.S.C. 301 and 552, part 50 of chapter I of title 28 of the CFR is hereby amended as follows:

1. The authority citation for part 50 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 15 U.S.C. 16(d); 21 U.S.C. 881(f)(2); 28 U.S.C. 508, 509, 510, 516, 517, 518, 519; E.O. 12250.

2. Section 50.9, paragraph (e)(4) is amended by removing the period at the end thereof, and by adding in its place "; or".

3. Section 50.9 is amended by adding a new paragraph (e)(5) to read as follows:

§ 50.9 Policy with regard to open judicial proceedings.

* * * * *

(e) * * *

(5) The closure of judicial proceedings pursuant to 18 U.S.C. 3509 (d) and (e) for the protection of child victims or child witnesses.

* * * * *

Dated: June 28, 1991.

Dick Thornburg,

Attorney General.

[FR Doc. 91–16371 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–01–M

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28 CFR Part 64

[Order No. 1508–91]

Designation of Officers and Employees of the United States for Coverage Under Section 1114 of Title 18 of the United States Code

AGENCY: U.S. Department of Justice.

ACTION: Final rule.

SUMMARY: Part 64 of title 28, Code of Federal Regulations, designates categories of federal officers and employees who, in addition to those already designated by statute, warrant the protective coverage of federal criminal law. This assures federal jurisdiction to prosecute the killing, attempted killing, kidnaping, forcible assault, intimidation or interference with any of the federal officers or employees designated by this regulation while they are engaged in or on account of the performance of their official duties. This order amends 28 CFR 64.2 by adding to the list of covered federal officers and employees the following federal personnel: Attorneys and employees assigned to perform or to assist in performing investigative, inspection and audit functions of the Office of Inspector General of the Tennessee Valley Authority; officers and employees of the Tennessee Valley Authority authorized by the Tennessee Valley Authority Board of Directors to carry firearms in the performance of investigative, inspection, protective, or law enforcement functions; and the Director, Deputy Director for Supply Reduction, Deputy Director for Demand Reduction, Associate Director for State and Local Affairs, and Chief of Staff of the Office of National Drug Control Policy.

EFFECTIVE DATE: June 27, 1991.

FOR FURTHER INFORMATION CONTACT: Roger B. Cubbage, Deputy Chief, Richard S. Shine, Senior Legal Advisor, or Donald B. Nicholson, Attorney, General Litigation and Legal Advice Section, Criminal Division, Department of Justice, Washington, DC 20530 (202–514–1061).

SUPPLEMENTARY INFORMATION: Part K of chapter X of the Comprehensive Crime Control Act of 1984, Public Law 98–473, title II, section 1012, 98 Stat. 1976, 2142 (1984), amended 18 U.S.C. 1114, which prohibits the killing of designated federal employees, to authorize the Attorney General to add by regulation other federal personnel who will be protected by this section. The categories of federal officers and employees covered by section 1114 are, by incorporation, also protected, while engaged in or on account of the performance of their official duties, from a conspiracy to kill, 18 U.S.C. 1117; kidnaping, 18 U.S.C. 1201(a)(5); forcible assault, interference, or intimidation, 18 U.S.C. 111; and threat of assault, kidnap or murder with intent to impede or intimidate, 18 U.S.C. 115. Consistent with the legislative history and purpose of section 1114, this protective coverage has been extended by 28 CFR part 64 to those federal officers and employees whose jobs involve inspection, investigative or law enforcement responsibilities or whose work involves a substantial degree of physical danger from the public that may not be adequately addressed by available state or local law enforcement resources.

Personnel of the Office of Inspector General of the Tennessee Valley Authority have the same statutory responsibilities, duties and authorities as Inspector General personnel in the agencies already covered by the regulation; therefore, coverage should also extend to Tennessee Valley Authority personnel. They have been added in new subparagraph (8) of 28 CFR 64.2(d). Public safety personnel of the Tennessee Valley Authority provide security and protective services for the Authority's properties and exercise law enforcement authority on these properties. Moreover, public safety personnel have been threatened and assaulted on numerous occasions by individuals and groups while attempting to quell disturbances. Extension of the regulation to cover these personnel is consistent with the legislative history and purpose of 18 U.S.C. 1114. They

have been added in new paragraph (w). Finally, certain personnel in the Office of National Drug Control Policy incur a substantial risk of physical harm from organized criminal elements involved in the drug trade because of the nature and extent of their contact with the public. These personnel include the Director, Deputy Director for Supply Reduction, Deputy Director for Demand Reduction, Associate Director for State and Local Affairs, and Chief of Staff. Amendment of the regulation to extend its coverage to these personnel is appropriate. They have been added in new paragraph (x).

Because the material contained herein involves only three federal agencies and is thus of limited and not general effect, the Department of Justice finds that notice and public procedure thereon pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary.

The Department of Justice has determined that this Order is not a major rule for purposes of Executive Order 12291. This Order will not have a substantial impact on a significant number of small entities, thus a regulatory flexibility analysis has not been prepared pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 64

Crime, Government employees, Law enforcement officers.

Authority: By virtue of the authority vested in me by 28 U.S.C. 509, 5 U.S.C. 301, and 18 U.S.C. 1114, part 64 of chapter I of title 28, Code of Federal Regulations, is hereby amended as follows.

PART 64—DESIGNATION OF OFFICERS AND EMPLOYEES OF THE UNITED STATES FOR COVERAGE UNDER SECTION 1114 OF TITLE 18 OF THE U.S. CODE

1. The authority citation for part 64 continues to read as follows:

Authority: 18 U.S.C. 1114, 28 U.S.C. 509, 5 U.S.C. 301.

2. Section 64.2 is amended by removing the final word "and" from paragraphs (d)(6) and (u), by removing the period at the end of paragraph (d) (7) and inserting in its place "; and", and by removing the period at the end of paragraph (v) and inserting in its place a semicolon.

3. Section 64.2 is amended by adding new paragraphs (d)(8), (w), and (x) to read as follows:

§ 64.2 Designated officers and employees.

* * * * *

(d) * * *

(8) The Tennessee Valley Authority.

* * * * *

(w) Officers and employees of the Tennessee Valley Authority authorized by the Tennessee Valley Authority Board of Directors to carry firearms in the performance of investigative, inspection, protective, or law enforcement functions; and

(x) The Director, Deputy Director for Supply Reduction, Deputy Director for Demand Reduction, Associate Director for State and Local Affairs, and Chief of Staff of the Office of National Drug Control Policy.

Dated: June 27, 1991.

Dick Thornburgh,

Attorney General.

[FR Doc. 91–16372 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–3958–5]

Mississippi: Final Authorization of Revisions to State Hazardous Waste Management Program; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Notice of immediate final rule; amendment.

SUMMARY: This notice amends the Federal authorities listed in the table previously published in the **Federal Register** dated March 29, 1991 (56 FR 13080) for final authorization for revisions to Mississippi's Hazardous Waste Program. On the effective date of final authorization, Mississippi is not authorized to carry out, in lieu of the Federal Program, the State provisions for the following Federal authorities:

Permit Modifications for Hazardous Waste Management Facilities.—53 FR 37912—September 28, 1988

This Federal authority was adopted and then revoked by the State of Mississippi.

Permit Modifications for Hazardous Waste Management Facilities.—53 FR 41649—October 24, 1988

This Federal authority was adopted and will be revoked by the State of Mississippi in the near future.

EFFECTIVE DATE: May 28, 1991.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347–2234.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: June 7, 1991.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 91–15058 Filed 7–15–91; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 8

National Security Information

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rescinds a delegation of original top secret classification authority that formerly was granted to FEMA's Chief to Staff. The Chief of Staff position no longer exists.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Mary K. Getter, Chief, Information Security Division, Office of Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, Telephone (202) 646–3125.

SUPPLEMENTARY INFORMATION:

List of Subjects in 44 CFR Part 8

Classified information.

PART 8—NATIONAL SECURITY INFORMATION

1. The authority citation for part 8 continues to read as follows:

Authority: Reorganization Plan Number 3 of 1978, Executive Order 12148 and Executive Order 12356.

§ 8.2 [Amended]

2. Section 8.2, Original Classification Authority, is amended by removing paragraph 8.2(b)(4).

Date: July 10, 1991.
John R. Lilley II,
Director of Security.
[FR Doc. 91-16867 Filed 7-15-91; 8:45 am]
BILLING CODE 6718-01-M

Federal Insurance Administration

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains.

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

§ 65.4 [Amended]

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Pima	City of Tucson (docket No. 7018).	Mar. 1, 1991, Mar. 8, 1991, TNI Legal Advertising.	The Honorable Thomas J. Volgy, Mayor, city of Tucson, P.O. Box 27210, Tucson, Arizona 85726-7210.	Feb. 15, 1991	040073
California: Alameda	City of Fremont (FEMA docket No. 7021).	The Argus, Apr. 12, 1991, and Apr. 19, 1991.	The Honorable William Ball, Mayor, city of Fremont, City Government Building, 39700 Civic Center Drive, Fremont, California 94538.	Mar. 1, 1991	06502
Colorado: Adams and Arapahoe.	City of Aurora (docket No. 7018).	Mar. 13, 1991, and Mar. 20, 1991, Aurora Sentinel.	The Honorable Paul E. Tauer, Mayor, city of Aurora, 1470 Havana Street, Aurora, Colorado 80012.	Mar. 4, 1991	080002
Illinois: DuPage and Cook (docket No. FEMA-7018).	Village of Bensenville	Mar. 6, 1991, Mar. 13, 1991, Bensenville Press.	The Honorable John Geils, Village President, village of Bensenville, 700 West Irving Park Road, Bensenville, Illinois 60106.	Mar. 25, 1991	170200
North Carolina: Buncombe (docket No. FEMA-7018).	City of Asheville	Mar. 15, 1991, Mar. 22, 1991, The Asheville Times.	The Honorable Kenneth Michalove, Mayor, city of Asheville, 70 Court Plaza, Asheville, North Carolina 28801.	Mar. 5, 1991	370032
South Carolina: Laurens (docket No. FEMA-7018).	City of Laurens	Feb. 27, 1991, Mar. 6, 1991, Laurens County Advertiser.	The Honorable Bob Dominick, Mayor, city of Laurens, P.O. Box 519, Laurens, South Carolina 29360.	Feb. 11, 1991	450125

Issued: July 2, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–16872 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket Number FEMA–7028]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: These modified base flood elevations are currently in effect and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: Numerous changes made the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 65.4.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains.

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978. E.O. 12127.

§ 65.4 Amended

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Connecticut: Fairfield	City of Stamford	June 21, 1991, June 28, 1991, The Advocate.	The Honorable Thom Serrani, Mayor of the city of Stamford, Stamford Governmental Center, 888 Washington Boulevard, Stamford, Connecticut 06904–2152.	June 14, 1991	090015
Georgia: Cobb	City of Marietta	June 21, 1991, June 28, 1991, Marietta Daily Journal.	The Honorable Joe Mack Wilson, Mayor, city of Marietta, P.O. Box 609, Marietta, Georgia 30061.	June 7, 1991	130226
Ohio: Greene	City of Fairborn	June 14, 1991, June 21, 1991, The Fairborn Daily Herald.	The Honorable Michael Hammond, City Manager, city of Fairborn, 44 West Hebble Avenue, Fairborn, Ohio 45324–4999.	June 4, 1991	390193

Issued: July 9, 1991.

C.M. "Bud" Schauerte

[FR Doc. 91–16873 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the

basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

DATES: The date of issuance of the revised Flood Insurance Rate Map (FIRM) showing modified base flood elevations for the community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and an opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided. The proposed modified elevations were also published in the **Federal Register.** The Administrator has resolved any appeals resulting from these notifications.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies, for reasons set out in the proposed rule, that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

1 The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Interested lessees and owners of real property are encouraged to review the proof Flood Insurance study and FIRM available at the address cited for each community.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) modified
CONNECTICUT	
Litchfield (town), Litchfield County (FEMA docket No. 7015)	
Bantam River (Right Bank):	
Approximately 160 feet downstream of State Route 63	*911
Approximately 1,000 feet upstream of U.S. Route 202	*962
Maps available for inspection at the Planning and Zoning Office, 74 West Street, Litchfield, Connecticut.	
GEORGIA	
Bibb County (unincorporated areas) (FEMA docket No. 7017)	
Colaparchee Creek:	
At confluence with Lake Wildwood	*396
At county boundary	*465
Maps available for inspection at the County Courthouse, Macon, Georgia.	
KENTUCKY	
Jessamine County (unincorporated areas) (FEMA docket No. 7017)	
Sinking Creek:	
Approximately 0.05 river mile downstream of Cherrywood-Tashamingo Road	*926
Approximately 1.56 river miles upstream of Keene Troy Road	*971
Maps available for inspection at the Planning and Zoning Office, 105 Court Road, Nicholasville, Kentucky.	
MARYLAND	
Frederick (city), Frederick County (FEMA docket No. 7015)	
Rock Creek:	
Approximately 1,400 feet upstream of confluence with Carroll Creek	*308
Approximately 1,750 feet upstream of confluence with Carroll Creek	*309
Maps available for inspection at the Office of Planning and Engineering, City Hall, 101 North Court Street, Frederick, Maryland.	
MASSACHUSETTS	
Weymouth (town), Norfolk County (FEMA docket No. 7015)	
Old Swamp River:	
Approximately 975 feet downstream of Elm Street	*96
Approximately 125 feet upstream of Ralph Talbot Street	*111

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) modified
Maps available for inspection at the Town Engineer's Office, 120 Winter Street, Weymouth, Massachusetts.	
NEW JERSEY	
Cherry Hill (township), Camden County (FEMA docket No. 7017)	
Tindale Run:	
Upstream side of Tavistock Road	*24
Approximately 1,400 feet upstream of S. Mansfield Road	*45
Maps available for inspection at the Township Building, 820 Mercer Street, Cherry Hill, New Jersey.	
NEW YORK	
Saranac Lake (village), Essex and Franklin Counties (FEMA docket No. 7017)	
Saranac River:	
Approximately 480 feet downstream of the Sewage Disposal Plant Access Road	*1,517
Upstream corporate limits	*1,534
Maps available for inspection at the Village Office, Saranac Lake, New York.	
PENNSYLVANIA	
College (township), Center County (FEMA docket No. 7017)	
Thompson Run:	
At the confluence with Slab Cabin Run	*953
At upstream corporate limits	*996
Walnut Run:	
At the confluence with Thompson Run	*970
At upstream corporate limits	*1,033
Slab Cabin Run:	
At the confluence with Spring Creek	*946
Approximately 0.5 mile upstream of confluence with Roaring Run	*1,069
Spring Creek:	
Approximately 400 feet downstream of confluence of Slab Cabin Run	*945
Approximately 675 feet upstream of Puddintown Road	*951
Maps available for inspection at the Township Municipal Office, 1481 East College Avenue, State College, Pennsylvania.	
Ferguson (township), Centre County (FEMA docket No. 7017)	
Slab Cabin Run:	
Downstream corporate limits	*1,075
Approximately 20 feet downstream of State Routes 26 and 45	*1,147
Big Hollow Run:	
Downstream corporate limits	*1,074
Approximately 150 feet upstream of T-336	*1,197
Maps available for inspection at the Township Engineer's Office, 3147 Research Drive, State College, Pennsylvania.	
New Britain (township), Bucks County (FEMA docket No. 7017)	
Pine Run:	
At downstream corporate limits	*248
Approximately 1,800 feet upstream of corporate limits	*250
Maps available for inspection at the Township Building, 207 Park Avenue, New Britain, Pennsylvania.	
Whitemarsh (township), Montgomery County (FEMA docket No. 7017)	
Sandy Run:	
At the most downstream SEPTA bridge	*172
At Valley Green Road	*178

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) modified
Maps available for inspection at the Zoning Office, 4021 Joshua Road, Lafayette Hill, Pennsylvania.	
PUERTO RICO	
(Commonwealth), Rio Guanajibo Basin (FEMA docket No. 7008)	
Quebrada Mendoza:	
Approximately 1.2 kilometers downstream of Puerto Rico Highway 102	**13.8
At confluence of Quebrada Las Tunas	**19.1
Quebrada Las Tunas:	
At confluence with Quebrada Mendoza	**19.1
Approximately 1 kilometer upstream of P.R. Highway 308	**24.9
Quebrada Pileta:	
Approximately 950 meters downstream of P.R. Highway 102	**13.8
Approximately 50 meters upstream of Calle Baldoriott	**18.5
Concepcion Channel:	
At confluence with Quebrada Mendoza	**19.1
Approximately 750 meters upstream of confluence with Quebrada Mendoza	**20.1
**Elevation in meters (mean sea level)	
Maps available for inspection at the Minillas Governmental Center, 13th Floor, North Building, De Diego Avenue, Stop 22, San Juan, Puerto Rico, Monday–Friday between 8–12 and 1–4:30.	
WEST VIRGINIA	
Williamson (city), Mingo County (FEMA docket No. 7017)	
Tug Fork:	
At the downstream corporate limits	*663
At a point approximately 500 feet downstream of Norfolk and Western Railway	*671
Maps available for inspection at the City Hall, 107 East 4th Avenue, Williamson, West Virginia.	

Issued: July 2, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–16874 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–45; RM–7608]

Radio Broadcasting Services; Lanai City, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 284C for Channel 284A at Lanai City, Hawaii, and modifies the construction permit (BPH–890503MQ) to specify operation on the higher class channel, at the request of Ivan N. Dixon, III. See 56 FR 09189, March 5, 1991. Channel 284C can be allotted to Lanai City in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit, with a site restriction of 6.2 kilometers (3.8 miles) southeast of the community. The coordinates are North Latitude 20–48–23 and West Longitude 156–52–01. With this action, this proceeding is terminated.

EFFECTIVE DATE: August 26, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–45, adopted June 24, 1991, and released July 10, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73 [AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by removing Channel 284A and adding Channel 284C at Lanai City.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–16844 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–46; RM–7604]

Radio Broadcasting Services; Mount Sterling, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 294B1 to Mount Sterling, Illinois, at the request of Brown County Broadcasting. See 56 FR 09189, March 5, 1991. Channel 294B1 can be allotted to Mount Sterling in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.4 kilometers (8.9 miles) southwest of the community. The site restriction is necessary in order to avoid short-spacings to a construction permit for Station WKBQ(FM), Channel 293C1, Granite City, Illinois, and the licensed site of Station WSWT(FM), Channel 295B, Peoria, Illinois. The coordinates for Mount Sterling are North Latitude 39–57–22 and West Longitude 90–55–11. With this action, this proceeding is terminated.

EFFECTIVE DATE: August 26, 1991. The window period for filing applications will open on August 27, 1991, and close on September 26, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–46, adopted June 24, 1991, and released July 10, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73 [AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Channel 294B1, Mount Sterling.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–16842 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91-32; RM-7606]

Radio Boadcasting Services; Chetek, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 294C2 to Chetek, Wisconsin, as that community's first FM broadcast service in response to a petition filed by Chetek Broadcasters. See 56 FR 8974, March 4, 1991. Canadian concurrence has been obtained for this allotment at coordinates 45–19–23 and 91–37–27. There is a site restriction 2 kilometers (1.2 miles) east of the community. With this action this proceeding is terminated.

EFFECTIVE DATE: August 26, 1991. The window period for filing applications for Channel 294C2 at Chetek will open on August 27, 1991, and close on September 26, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91–32, adopted June 24, 1991, and released July 10, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036. (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel 294C2, Chetek.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–16843 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1017

[Ex Parte No. 503]

Debt Collection—Collection by Offset From Indebted Government and Former Government Employees

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: In compliance with the Debt Collection Act of 1982 (5 U.S.C. 5514) and OMB Circular A–129, the Interstate Commerce Commission issues these final rules which govern agency-wide and Government-wide salary offset collections from current and former Government employees.

EFFECTIVE DATE: These rules are effective on July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra Gribben, (202) 275–7504, (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION:

These rules were approved by the Office of Personnel Management on June 3, 1991. Since this rule involves agency procedure, notice and comment procedure is not required under 5 U.S.C. 553(b)(3)(A).

List of Subjects in 49 CFR Part 1017

Credit, Government employees.

Decided: July 8, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X is amended as set forth below:

1. A new part 1017 is added to read as follows:

PART 1017—DEBT COLLECTION—COLLECTION BY OFFSET FROM INDEBTED GOVERNMENT AND FORMER GOVERNMENT EMPLOYEES

Sec.

Authority: 31 U.S.C. 3716, 5 U.S.C. 5514; Pub. L. 97–365; 4 CFR parts 101–105; 5 CFR part 550.

§ 1017.1 Purpose and scope.

(a) These regulations set forth guidelines for implementing the Debt Collection Act of 1982 at the Interstate Commerce Commission (ICC). The purpose of the Act is to give agencies the ability to more aggressively pursue debts owed the Federal Government and to increase the efficiency of governmentwide efforts to collect debts owed the United States. The authority for these regulations is found in the Debt Collection Act of 1982 (Pub. L. 97–365 and 4 CFR 101.1 et seq.), Collection by Offset From Indebted Government Employees (5 CFR 550.1101 et seq.), Federal Claims Collection Standards (4 CFR 101.1 et seq.), and Administrative Offset (31 U.S.C. 3716).

(b) These regulations provide procedures for administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. The regulations covered in this part apply to all current and former Federal employees who owe debts to the Commission and to current Commission employees who owe debts to other Federal agencies. The regulations set forth herein do not apply when the employee consents to recovery from his/her current pay account.

(c) These regulations do not apply to debts or claims arising under:

(1) The Social Security Act;

(2) The Internal Revenue Code of 1954;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(d) These regulations also do not preclude the compromise, suspension, or termination of collection action, where appropriate, under the standards implementing the Federal Claims Collection Act (31 U.S.C. 3711 et seq., 4 CFR 101.1 et seq.). These regulations do not preclude an employee's requesting a waiver of a salary overpayment (i.e., alleged indebtedness) under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a claim to the General Accounting Office (GAO), or requesting a waiver under

statutory provisions pertaining to the particular debt.

§ 1017.2 Definitions.

For the purposes of these regulations, the following definitions will apply:

(a) *Agency.* An executive agency as defined at 5 U.S.C. 105, including the U.S. Postal Service; the U.S. Postal Rate Commission; a military department as defined at 5 U.S.C. 102; an agency or court in the Judicial Branch; an agency of the Legislative Branch, including the U.S. Senate and House of Representatives; and other independent establishments that are entities of the Federal Government.

(b) *Creditor agency.* The agency to which the debt is owed.

(c) *Debt.* An amount of money or property which has been determined by an appropriate agency official to be owed to the United States from any person.

(d) *Disposable pay.* The amount that remains from an employee's Federal pay after required deductions for social security; Federal, State, or local income taxes; health insurance premiums; retirement contributions; life insurance premiums; Federal employment taxes; and any other deductions that are required to be withheld by law.

(e) *FCCS.* The Federal Claims Collection Standards jointly published by the Justice Department and the General Accounting Office at 4 CFR 101.1 et seq.

(f) *Hearing official.* The official responsible for conducting a hearing which is properly and timely requested by the debtor. An Administrative Law Judge shall be responsible for conducting the hearing and the Chief Administrative Law Judge shall determine which judicial official will be assigned the hearing.

(g) *Paying agency.* The agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

(h) *Administrative offset.* The withholding of monies payable by the United States to or held by the United States on behalf of an employee to satisfy a debt owed the United States by that employee.

(i) *Waiver.* A cancellation, forgiveness, or non-recovery of a debt allegedly owed by an employee or former employee to the agency as permitted or required by law.

§ 1017.3 Applicability.

These regulations are to be followed when:

(a) The Commission is owed a debt by a current employee;

(b) The Commission is owed a debt by an individual currently employed by another Federal agency;

(c) The Commission employs an individual who owes a debt to another Federal agency; and

(d) The Commission is owed a debt by an employee who separates from Federal Government service. The authority to collect debts owed by former Federal employees is found in the FCCS and 31 U.S.C. 3716.

§ 1017.4 Notice requirements.

(a) Deductions shall not be made unless the employee is provided with written notice, signed by the debt collection official (Chief, Fiscal Services Branch), of the debt at least 30 days before administrative offset commences.

(b) The written notice to current Federal employees shall be hand delivered if at headquarters or sent certified mail, return receipt requested, if located in a field office and shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by means of deduction from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the FCCS (4 CFR 101.1 et seq.);

(5) The employee's right to inspect, request, and copy Government records relating to the debt (if an employee is unable to physically inspect the Government records, the agency will reproduce copies of the records and may charge for those copies);

(6) If not previously provided, the opportunity (under terms agreeable to the creditor agency) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement with the agency to establish a schedule for the voluntary repayment of the debt in lieu of offset. The agreement must be in writing, signed by both the employee and the creditor agency, and documented in the creditor agency's files (4 CFR 102.2(e));

(7) The right to a hearing conducted by an impartial hearing official concerning the existence or amount of the debt and the repayment schedule, if it was not established by a written agreement between the employee and the creditor agency;

(8) The method and time period for petitioning for a hearing;

(9) A statement that the timely filing of a petition for a hearing (on or before the 15th day following receipt of the written notice) will stay the commencement of collection proceedings, together with instructions on how and where to file a petition;

(10) A statement that a final decision on the hearing (if one is requested) will be issued not later than 60 days after the filing of the petition requesting the hearing unless the employee requests, and the hearing official grants, a delay in the proceedings;

(11) A statement that knowingly false or frivolous statements, representations, or evidence may subject the employee to appropriate disciplinary procedures and criminal penalties (i.e., for false certification, etc.);

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

(c) The written notice to former Federal employees shall be sent certified mail, return receipt requested, and shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by administrative offset against amounts due and payable to the debtor from the Civil Service Retirement and Disability Fund or by use of a collection service to recover the delinquent debt;

(3) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with 4 CFR 101.1 et seq.;

(4) The former employee's rights to inspect, request, and copy Government records relating to the debt (if the former employee is unable to physically inspect the Government records, the agency will reproduce copies of the records and may charge for those copies);

(5) The opportunity to enter into a written agreement with the agency to establish a schedule for the voluntary repayment of the debt;

(6) The right to a hearing conducted by an impartial hearing official concerning the existence or amount of the debt and the repayment schedule, f it was not established by a written

agreement between the former employee and the creditor agency;

(7) The method and time period for petitioning for a hearing;

(8) A statement that the timely filing of a petition for a hearing (on or before the 15th day following receipt of the written notice) will stay the commencement of collection proceedings, together with instructions on how and where to file a petition;

(9) A statement that a final decision on the hearing will be issued not later than 60 days after the filing of the petition requesting the hearing unless the former employee requests, and the hearing official grants, a delay in the proceedings;

(10) A statement that knowingly false or frivolous statements, representations, or evidence may subject the former employee to appropriate criminal penalties (i.e., for false certification, etc.);

(11) A statement of other rights and remedies available to the former employee under statutes or regulations governing the program for which the collection is being made; and

(12) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the former employee.

§ 1017.5 Hearing procedures.

(a) Upon the Administrative Law Judge's determination of an employee's compliance with § 1017.4(b)(8) or § 1017.4(c)(7) of this part, whichever is applicable, he/she shall set the time, date, and location for the hearing, paying due consideration to convenience to the employee.

(b) All significant matters discussed at the hearing shall be documented, although a verbatim transcript of the hearing shall not be made.

(c) The Administrative Law Judge may exclude any evidence he/she deems irrelevant, immaterial, or unduly repetitious.

(d) Any party to a hearing under these regulations is entitled to present his or her case or defense by oral or documentary evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) The Commission has the initial burden of proof as to the existence and amount of the debt.

(f) The employee requesting the hearing shall bear the ultimate burden of proof.

(g) The evidence presented by the employee must prove that no debt exists or cast sufficient doubt that reasonable minds could differ as to the existence or amount of the debt.

(h) Where the employee files a petition for a hearing contesting the offset schedule imposed by the Commission, the Administrative Law Judge shall take into consideration all relevant factors as to the employee's financial situation in determining whether said offset schedule should be altered.

(i) Any party to a hearing under these regulations is entitled to be accompanied, represented, and advised by counsel, as well as to appear in person or by or with counsel.

(j) The Administrative Law Judge shall issue a final written decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing, as stated in § 1017.4(b)(10) or § 1017.4(c)(9) of this part, whichever is applicable.

§ 1017.6 Result if employee fails to meet deadlines.

An employee will not be granted a hearing and will have his/her disposable pay offset in accordance with the Commission's offset schedule if the employee:

(a) Fails to file a petition for a hearing in conformity with the requirements of § 1017.4(b)(8) or § 1017.4(c)(9) of this part, whichever is applicable. However, failure to file within the requisite time period set out in § 1017.4(b)(8) or § 1017.4(c)(9) of this part whichever is applicable, will not result in denial of a hearing or in immediate offset, if the Administrative Law Judge excuses the late filing if the employee can show that the delay was because of circumstances beyond his/her control or because of failure to receive notice of the filing deadline.

(b) Is scheduled to appear and fails to appear at the hearing without good cause.

§ 1017.7 Written decision following hearing.

(a) Written decisions provided after a request for a hearing will include:

(1) A statement of the facts presented to support the nature and origin of the alleged debt;

(2) The Administrative Law Judge's analysis, findings, and conclusions, in light of the hearing, concerning the employee's or the Commission's grounds;

(3) The amount and validity of the alleged debt; and

(4) The repayment schedule (including percentage), if applicable.

(b) The Administrative Law Judge's decision does not preclude an employee from requesting a waiver of a salary payment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to GAO in accordance with procedures prescribed by GAO.

§ 1017.8 Exception to entitlement to notice, hearing, written responses and final decisions.

The Commission shall except from the provisions of § 1017.4 through § 1017.7 any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a Federal benefits program, requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

§ 1017.9 Coordinating offset with another Federal agency.

(a) *The Commission as creditor agency.* When the Chief, Budget and Fiscal Office, determines that an employee of another Federal agency owes a delinquent debt to the Commission, he/she shall:

(1) Arrange for a hearing upon proper petitioning by the employee;

(2) Certify in writing to the other Federal agency that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the Government's right to collect the debt accrued, that the Commission's regulations for administrative offset have been approved by the Office of Personnel Management, and that the provisions of 4 CFR 102.3(f) have been fully complied with;

(3) If collection must be made in installments, advise the paying agency of the amount or percentage of disposable pay to be collected in each installment;

(4) Advise the paying agency of any action taken under 5 U.S.C. 5514(a);

(5) If the employee is in the process of separating, the Commission must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee, and send a copy of the certification and notice of the employee's separation to the creditor agency—if the paying agency is aware that the employee is entitled to money from the Civil Service Retirement and Disability Fund, it must certify to the Office of Personnel Management (OPM) that:

(i) The debtor owes the U.S. a debt, including the amount of that debt;

(ii) The Commission has complied with the applicable statutes, regulations, and procedures of OPM; and

(iii) The Commission has complied with the requirements of 4 CFR 102.3, including any hearing or review; and

(6) If the employee has already separated and all payments due from the paying agency have been paid, the Chief, Budget and Fiscal Office, may request from OPM, unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset and provide the certification described in paragraph (a)(5) of this section.

(b) *The Commission as paying agency.* (1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that the Commission has received a certified debt claim from the creditor agency, the amount of the debt, the date administrative offset will begin, and the amount of the deduction(s). The Commission shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim.

(2) When the Commission receives an incomplete debt from another (creditor) agency, the Commission must return the debt claim with a notice that procedures under 5 U.S.C. 5514 and 5 CFR 1108 must be provided and a properly certified debt claim received before action will be taken to collect from the employee's current pay account.

(3) If the employee transfers to another agency after the creditor agency has submitted its debt claim to the Commission and before the debt is fully collected, the Commission must certify the total amount collected to the creditor agency, along with notice of the transfer, and furnish a copy of same to the employee.

§ 1017.10 Procedures for administrative offset.

(a) Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lump sum, collection shall be made in installments.

(b) Debts shall be collected by deduction at officially established pay intervals from an employee's current pay account, unless alternative arrangements for repayment are made.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay intervals for any period shall not exceed 15 percent of disposable pay, unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee (including, but not limited to, final salary payment or lump-sum payment for leave).

§ 1017.11 Refunds.

(a) The Commission shall promptly refund any amounts deducted to satisfy debts owed to it when the debt is waived, found not owed to the Commission, or when directed by an administrative or judicial order.

(b) A creditor agency will promptly return any amounts deducted by the Commission to satisfy debts owed to a creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1017.12 Statute of limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the Government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1017.13 Nonwaiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that employee may have under 5 U.S.C. 5514 or any other provision of law.

§ 1017.14 Interest, penalties, and administrative costs.

(a) The rate of interest assessed shall be the rate of the current value of funds to the U.S. Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the **Federal Register** and the Treasury Financial Manual Bulletins. A higher rate of interest can be assessed if the Commission can reasonably determine that a higher rate is necessary to protect the interests of the United States. The rate of interest, as initially assessed, shall remain fixed for the duration of the indebtedness, except where a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement. The Commission may set a new interest rate which reflects the current value of funds to the Treasury at the time the new agreement is executed. The Commission shall waive the collection of interest on the debt or any portion of the debt which is paid within 30 days after the date on which interest began to accrue.

(b) The Commission shall assess a penalty charge not to exceed 6 percent a year on any portion of a debt that is delinquent as defined in 4 CFR 101.2(b) for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

(c) The Commission shall assess against a debtor charges to cover administrative costs incurred as a result of a delinquent debt—that is, the additional costs incurred in processing and handling the debt because it became delinquent as defined in 4 CFR 101.2(b).

(d) When a debt is paid in partial or installment payments, amounts received by the agency shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and third to outstanding principal.

[FR Doc. 91–16904 Filed 7–15–91; 8:45 am]
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49 CFR Part 1152

[Ex Parte No. 274 (Sub-No. 21A]

New Requirement That Maps Be Submitted in all Abandonment Exemption Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is imposing a 49 CFR 1152.22(a)(5)-style map requirement in all abandonment exemption proceedings (*i.e.*, in all proceedings involving either an abandonment notice filed under the 49 CFR 1152.50 class exemption or an abandonment petition filed under the 49 U.S.C. 10505 exemption procedure).[1] Henceforth, a railroad filing either a 49 CFR 1152.50 abandonment exemption notice or a 49 U.S.C. 10505 abandonment exemption petition will be required to submit, with the notice or the petition, respectively, a detailed map showing "the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water

[1] In this context, "abandonment" includes "discontinuance"

routes, and population centers." This map requirement is being imposed in order to facilitate informed decisionmaking in abandonment exemption proceedings.

EFFECTIVE DATE: November 13, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245; (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION: Every request for Commission approval either to abandon a rail line or to discontinue rail service falls into one of five categories: a regular application filed by a railroad under 49 CFR 1152.22; a summary application filed by a railroad under 49 CFR 1152.23; a 2-year out-of-service notice of exemption filed by a railroad under 49 CFR 1152.50; a petition for exemption filed by a railroad under the 49 U.S.C. 10505 exemption procedure;[2] and an adverse abandonment application filed by a party other than a railroad.

A map requirement presently applies to regular applications, to summary applications, and to adverse abandonment applications. See 49 CFR 1152.22(a)(5) (for regular applications) and 49 CFR 1152.23(a) (for summary applications). Pursuant to this requirement, the railroad applicant must submit, as part of its regular or summary applications, a "(d)etailed map of the subject line on a sheet not larger than 8×10½ inches, drawn to scale, and with the scale shown thereon. The map must show, in clear relief, the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water routes, and population centers." 49 CFR 1152.22(a)(5).[3]

With regard to abandonment notices filed under the 49 CFR 1152.50 class exemption and abandonment petitions filed under the 49 U.S.C. 10505 exemption procedure, there is presently no applicable map requirement.[4]

Nevertheless, in most abandonment exemption proceedings, maps are supplied by the railroads. Because a good map facilitates informed decisionmaking on our part, the submission of such maps will generally be in the railroad's interest.

We are now imposing a 49 CFR 1152.22(a)(5)-style map requirement in all abandonment exemption proceedings (*i.e.*, in all proceedings involving either an abandonment notice filed under the 49 CFR 1152.50 class exemption or an abandonment petition filed under the 49 U.S.C. 10505 exemption procedure). We are imposing this requirement because, in processing abandonment cases, we have often found maps to be quite useful for decisionmaking purposes. In a proceeding in which a question arises regarding, for example, the precise location of a certain stretch of track, or its location vis-a-vis a road, a good map can be invaluable.

We do not envision that this map requirement will place any great burden on any party to any abandonment exemption proceeding. Indeed, as a practical matter, this new requirement will have no impact whatsoever except in the very few abandonment exemption proceedings in which the railroad parties would not otherwise submit maps.

We are revising our codified regulations to reflect this map requirement. With regard to abandonment notices filed under the 49 CFR 1152.50 class exemption, we are revising 49 CFR 1152.50(d)(2) to incorporate the 49 CFR 1152.22(a)(5) map requirement. With regard to abandonment petitions filed under the 49 U.S.C. 10505 exemption procedure, we are establishing a new section (49 CFR 1152.60) in which the 49 CFR 1152.22(a)(5) map requirement will be incorporated.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This action will have no significant effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Conservation, Environmental protection, National forests, National parks, National trails system, National resources, Public lands—grants, Public lands—rights-of-way, Railroads, Recreation and recreation areas, and Reporting and recordkeeping requirements.

Decided: July 9, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1152 of the Code of Federal Regulations is amended as follows:

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

1. The authority citation for part 1152 continues to read as follows:

Authority: 5 U.S.C. 553, 559, and 704; 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; and 49 U.S.C. 10321, 10362, 10505, 10903, 10904, 10905, 10906, 11161, and 11163.

§ 1152.50 [Amended]

2. In § 1152.50, the second sentence of paragraph (d)(2) is amended by removing the words "the information required in § 1152.22(a) (1) through (4) and (8)," and by adding in lieu thereof the words "the information required in § 1152.22(a) (1) through (5) and (8),".

3. A new Subpart G consisting of § 1152.60 is added to read as follows:

Subpart G—Special Rules Applicable to Petitions for Abandonments or Discontinuances Of Service Or Trackage Rights Filed Under the 49 U.S.C. 10505 Exemption Procedure

§ 1152.60 Special rules.

(a) This section contains special rules applicable to any proceeding filed under the 49 U.S.C. 10505 exemption procedure wherein is sought either the abandonment of a rail line or the discontinuance of service or trackage rights over a rail line. General rules applicable to any proceeding filed under the 49 U.S.C. 10505 exemption procedure may be found in Ex Parte No. 400, Modification of Procedure for Handling Exemptions Filed Under 49 U.S.C. 10505 (not printed), served December 29, 1980, as clarified on January 23, 1981.

(b) Any petition filed under the 49 U.S.C. 10505 exemption procedure wherein is sought either the abandonment of a rail line or the discontinuance of service or trackage rights over a rail line must be accompanied by a map that meets the requirements of § 1152.22(a)(5) of this part.

[FR Doc. 91–16905 Filed 7–15–91; 8:45 am]

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[2] *See* Ex Parte No. 400, Modification of Procedure for Handling Exemptions Filed Under 49 U.S.C. 10505 (not printed), served December 29, 1980, 45 FR 85180 (December 24, 1980), as clarified at 46 FR 7505 (January 23, 1981).

[3] The 49 CFR 1152.22(a)(5) map requirement, although not explicitly made applicable to adverse abandonment applications, is nevertheless applicable to such applications as a consequence of the rule that an adverse abandonment request must be made in the form of a formal application under 49 U.S.C. 10903. *See, e.g.*, Finance Docket No. 31486, Southern Pacific Transportation Company—Discontinuance of Service—In San Francisco County, CA (not printed), served September 12, 1989. This rule necessarily requires a 49 CFR 1152.22 regular applications.

[4] With regard to abandonment notices, 49 CFR 1152.50(d)(2) makes the 49 CFR 1152.22(a)(5) map requirement not applicable to notices filed under the 49 CFR 1152.50 class exemption. With regard to abandonment petitions, the exemption procedure cited *supra* is silent as to a map requirement.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 901199-1021]

Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustment; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) is taking measures to prevent overfishing of Atka mackerel. These measures include (1) prohibition of all trawling in the Aleutian Islands subarea, and (2) closure of that portion of statistical area 515 east of 167° W. longitude to directed fishing for Pacific cod with all trawls, and for pollock with trawls other than pelagic trawls. This action is necessary to prevent overfishing of Atka mackerel and is intended to promote optimum use of groundfish stocks.

DATES: Effective 12 noon Alaska local time (A.l.t.), July 10, 1991, through 12 midnight December 31, 1991. Comments will be accepted until July 31, 1991.

ADDRESSES: Comments should be mailed to Dale R. Evans, Chief, Fisheries Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668, or be delivered to 9109 Mendenhall Mall Road, Federal Building Annex, suite 6, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Jessica A. Gharrett, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the exclusive economic zone in the Bering Sea and Aleutian Islands (BSAI) under the Magnuson Fishery Conservation and Management Act (MFCMA). The FMP was prepared by the North Pacific Fishery Management Council (Council) and is implemented by regulations appearing at 50 CFR 611.93 and parts 620 and 675.

The Guidelines for Fishery Management Plans, 50 CFR 602.11(c)(1) (54 FR 30834; July 24, 1989), define overfishing as a level or rate of fishing mortality that jeopardizes the long term capacity of a stock or stock complex to produce its maximum sustainable yield (MSY) on a continuing basis. Furthermore, the FMP requires that conservation and management measures prevent overfishing.

The FMP describes the maximum fishing mortality rate that defines the amount of catch that constitutes overfishing for fisheries in that regulatory area. In its report to the Council for the BSAI, the Scientific and Statistical Committee (SSC) reported that the MSY and exploitable biomass were unknown, and recommended the acceptable biological catch (ABC) for Atka mackerel as 24,000 metric tons (mt). This amount is equivalent to the level of overfishing defined in the FMP. The Advisory Panel of the Council recommended that the total allowable catch (TAC) equal the ABC, which was adopted by the Council. The final notice of 1991 initial specifications (56 FR 6290; February 15, 1991) established an initial TAC for Atka mackerel of 20,400 mt, and set aside the remaining 3,600 mt to the non-specific reserve.

Earlier this year, a notice in the **Federal Register** announced that the Atka mackerel TAC had been reached, and prohibited retention of Atka mackerel (56 FR 13786; April 4, 1991). Continued groundfish fishing for other species has taken greater additional amounts of Atka mackerel than initial projections indicated.

In accordance with § 675.20(e)(2)(i), if the Secretary determines that the overfishing of any species or stock of fish may occur, he may issue an inseason adjustment to the groundfish fisheries taking into account all information relevant to one or more of the following factors: (1) The effect of overall fishing effort within a regulatory area; (2) catch per unit of effort and rate of harvest; (3) relative abundance of stocks within the area; (4) the condition of the stock within all or part of a regulatory area; (5) economic impacts on fishing businesses being affected; or (6) any other factor relevant to the conservation and management of groundfish species or any incidentally-caught species that are designated as a prohibited species or for which a prohibited species catch limit has been specified.

The Regional Director considered information relevant to these factors as required by § 675.20(f):

1. *The effect of overall fishing effort within a regulatory area*—Analysis of historical research and catch data shows that the majority of the Atka mackerel stocks occur in the Aleutian basin. Although retention of Atka mackerel has been prohibited since March 29, 1991 (56 FR 13786; April 4, 1991), this species is taken incidentally in directed trawl fisheries for other groundfish species, particularly in the Aleutian Islands subarea, and in the trawl fishery for Pacific cod in portions of statistical area 515. An emergency rule to lower the retainable Pacific cod catch in pollock fisheries is not yet in effect. Because vessels may target on a 20 percent bycatch of Pacific cod, it is also necessary to restrict non-pelagic trawling for pollock in the eastern portion of statistical area 515.

2. *Catch per unit of effort and rate of harvest*—Although a review of the accuracy of all catch reports has not been completed, the catch of Atka mackerel is believed to have reached the level defined as overfishing. Any additional take of Atka mackerel must be restricted. Areas, gears, and fisheries being limited by this action are those shown by analysis of catch and survey data to produce an incidental catch of Atka mackerel in amounts greater than 1 percent of the target groundfish species.

3. and 4. *Relative abundance of stocks within an area*—The SSC report listed the exploitable biomass of Atka mackerel as unknown for 1991. The SSC recommendation, adopted by the Council, was that overfishing was defined as exceeding the average catch since implementation of the MFCMA.

5. *Economic impacts on fishing businesses being affected*—Of the fisheries for which TACs apply solely to the Aleutian Islands and that are in part harvested with trawl gear, only those for Pacific Ocean perch (POP), other red rockfish (ORR), and sablefish still have open directed fisheries at this time. Actions taken in this notice will likely result in economic losses to harvesters and processors using trawl gear in the Aleutian Islands fisheries for POP and ORR categories, and perhaps sablefish. As of June 30, 1991, amounts of POP, ORR, and trawl sablefish remaining for harvest were 7,044 mt, 3,667 mt, and 493 mt, respectively; the ex-vessel values of these amounts of groundfish were, respectively, $1,879,057, $703,331, and $271,717, although some amount of each TAC would not be retained. For 1990, the amount of POP and ORR combined that remained unharvested was 1,376 mt, and the amount of trawl sablefish that remained unharvested was 588 mt. Losses to the industry as a result of closing the eastern portion of statistical reporting area 515 for trawling for Pacific cod, and for bottom trawling for pollock are not likely to be significant, since (1) these species will likely be harvested in nearby areas, (2) these fisheries closed on July 8, 1991, as Pacific halibut prohibited species catch allowances were reached (56 FR 30699; July 5, 1991), and (3) Pacific cod may be

harvested by gears other than trawl gear.

Under § 675.20(e), the Secretary is taking additional measures to prevent overfishing of Atka mackerel, including (1) under § 675.20(e)(1) (i) and (ii), prohibiting all trawling in the Aleutian Islands subarea, and (2) under § 675.20(e)(1)(i), closure of that portion of statistical area 515 east of 167° W. longitude to directed fishing for Pacific cod with all trawls, and pollock with trawls other than pelagic trawls. This action is effective July 10, 1991, for the remainder of the fishing year, unless modified or superseded by additional action based on new information. The Secretary has determined these are the least restrictive management adjustments necessary to limit overfishing of Atka mackerel in the BSAI because this action accounts for the effects on Atka mackerel of different gears, areas, and groundfish targets, and does not close all BSAI fisheries. Under § 675.20(e)(3) (i) and (ii), the Secretary is limiting trawl activity in the Aleutian Island subarea, and in the Bering Sea for certain groundfish species, while allowing other gear types and fisheries for remaining groundfish targets to continue.

Classification

This action is taken under 50 CFR 675.20 and is in compliance with Executive Order 12291.

Immediate effectiveness of this notice is necessary to prevent overfishing of Atka mackerel stocks. Therefore, the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment on this notice or to delay its effective date. However, interested persons are invited to submit comments in writing to the above address until July 31, 1991.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et sec.*

Dated: July 10, 1991.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–16806 Filed 7–10–91; 4:23 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 56, No. 136
Tuesday, July 16, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Fee Schedule; Aerial Photographic Reproductions

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture (USDA) proposes to amend 7 CFR part 1, subpart A, appendix A which pertains to the assessment of fees under the Freedom of Information Act to reflect the costs for providing aerial photographic reproductions.

DATES: Written comments must be received on or before July 31, 1991 in order to be assured of consideration.

ADDRESSES: Submit written comments to Department of Agriculture, Office of Finance and Management, 14th and Independence Avenue SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard Guyer, Chief, Management and Productivity Improvement Division, Office of Finance and Management, USDA, Washington, DC 20250; (202) 475–5291.

SUPPLEMENTARY INFORMATION: It is proposed to amend 7 CFR part 1, subpart A, appendix A to change the fees for aerial photographic reproductions.

This rule does not constitute a "major rule" within the meaning of Executive Order 12991. Nor will this regulation cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 805(b), do not apply.

List of Subjects in 7 CFR Part 1

Freedom of Information.

PART 1—ADMINISTRATIVE REGULATIONS

Accordingly, it is proposed that 7 CFR part 1 be amended as follows:

Subpart A—Official Records

Appendix A—Fee Schedule

1. The authority citation for subpart A continues to read as follows:

Authority: 5 U.S.C. 301 and 552; 7 U.S.C. 2244; 31 U.S.C. 9701, and 7 CFR 2.75(a)(6)(xiii).

2. It is proposed to amend section 17 (c) to read as follows:

A. In the first table, item 1, "Black and white contact prints," the price for 10×10 Diapositive (film) is changed from "$10.00" to "$6.00".

B. In the second table, item 3 is revised to read as follows:

Section 17. Reproduction prices.

* * * * *

(c) * * *

Size	Price each	
	RC paper	Film positive transparency
3. Black and white enlargements (projection prints):		
12×12	$9.00	$12.00
17×17	11.00	14.00
24×24	14.00	20.00
38×38	27.00	35.00

* * * * *

3. It is proposed to amend section 17 (d) to read as follows:

A. In the first table, for item 1, "Black and white contact prints," the price for 10×10 diapositive is changed from "$15.00" to "$10.00".

B. In the second table, item 3 is revised to read as follows:

Section 17. Reproduction prices.

* * * * *

(d) * * *

Size	Price each	
	RC paper	Film positive transparency
3. Black and white enlargements (projection prints):		
12×12	$14.00	$22.00
17×17	17.00	24.00
24×24	20.00	30.00
38×38	33.00	45.00

* * * * *

Signed at Washington, DC on June 5, 1991.

David C. Rector,

Acting Director, Office of Finance and Management.

[FR Doc. 91–16660 Filed 7–15–91; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV–91–279PR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Sunburst Variety Tangerines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes adding the Sunburst variety of tangerines to the varieties of citrus fruit regulated under Marketing Order No. 905, and establishing minimum grade and size requirements for that variety. These actions were unanimously recommended by the Citrus Administrative Committee (committee), which administers the marketing order program locally.

DATES: Comments must be received by July 31, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regula business hours. All comments should reference the docket number, date, and

page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 475–3918.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 90 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 12,000 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A minority of these handlers and a majority of the producers may be classified as small entities.

This proposed action would add the Sunburst variety of tangerines to the list of varieties of citrus fruit regulated under the marketing order by amending § 905.105. Section 905.5 (7 CFR 905.5) of the order defines the varieties of fruit regulated under the order and authorizes the addition of other varieties specified in § 905.4 (7 CFR 905.4), as recommended by the committee and approved by the Secretary.

Sunburst tangerines are a new variety coming into commercial production. During both the 1989–90 and 1990–91 shipping seasons, shipments of Sunburst tangerines totalled about 400,000 cartons, or about 25 percent of the Florida industry's total tangerine shipments during those seasons. This level of shipments is significant enough to warrant minimum grade and size requirement coverage under the marketing order. Also, as the trees of this variety reach full bearing age and additional plantings begin to bear fruit, shipments of the Sunburst variety can be expected to further increase.

This proposed action would also amend § 905.306 (7 CFR 905.306), which specifies minimum grade and size requirements for several varieties of citrus fruits grown in Florida shipped to both domestic and export markets. The Sunburst variety would be added to the list of entries in that section for domestic shipments of tangerines in Table I of paragraph (a), and for export shipments in Table II of paragraph (b). A minimum grade of U.S. No. 1 and a minimum size of 210 (2$^{4}/_{16}$ inches in diameter) would be established for Sunburst tangerines effective August 19, 1991. The proposed minimums reflect the characteristics of this tangerine variety. Almost all of the Sunburst tangerines shipped during the 1990–91 season would have met these proposed requirements, had they been in effect.

Minimum grade and size requirements for domestic and export shipments of tangerines are designed to prevent shipments of low grade, immature, small sized, or otherwise unsatisfactory fruit from entering fresh market channels. Preventing such shipments helps create buyer confidence in the marketplace and helps foster stable marketing conditions in the interest of producers, shippers, and consumers.

Subjecting domestic and export shipments of Florida grown Sunburst tangerines to minimum grade and size requirements is intended to maintain buyer confidence in the quality of Florida citrus available in fresh market channels.

The committee meets from time to time each season to review the rules and regulations effective under the marketing order. Committee meetings generally are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the rules and regulations would tend to effectuate the declared policy of the Act.

This proposed action reflects the committee's and the Department's appraisal of the need to regulate the Sunburst variety tangerines, as hereinafter set forth. The Department's view is that this proposed action would have a beneficial impact on producers, shippers, and consumers.

Based on the above, the Administrator of the AMS has determined that this proposed action would not have a significant economic impact on a substantial number of small entities.

A comment period of less than 30 days is appropriate because 1991–92 season Sunburst tangerine shipments could begin in August this year and any changes implemented as a result of this proposal should be in effect by that time, so that the proposed minimum grade and size requirements would be in effect for the entire season.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is proposed to be amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 905.105 is revised to read as follows:

§ 905.105 Tangerine and grapefruit classifications.

(a) Pursuant to § 905.5 (m), the following classifications of grapefruit are renamed as follows:

(1) Marsh and other seedless grapefruit, excluding pink grapefruit, are renamed as Marsh and other seedless grapefruit, excluding red grapefruit;

(2) Duncan and other seeded grapefruit, excluding pink grapefruit, are renamed as Duncan and other seeded grapefruit, excluding red grapefruit;

(3) Pink seedless grapefruit, is renamed as Red seedless grapefruit;

(4) Pink seeded grapefruit, is renamed as Red seeded grapefruit.

(b) Pursuant to § 905.5 (m), the term "variety" or "varieties" includes Sunburst tangerines.

3. The provisions of § 905.306 are amended by revising the section heading and by adding a new entry under "Tangerines" in paragraph (a), Table I, and in paragraph (b), Table II, to read as follows:

§ 905.306 Orange, grapefruit, tangerine, and tangelo regulation

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
*	*	*	*
Tangerines..			
*	*	*	*
Sunburst.....	On and after 08/19/91.	U.S. No. 1.....	2 1/16
*	*	*	*

(b) * * *

TABLE II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (inches) (4)
*	*	*	*
Tangerines..			
*	*	*	*
Sunburst.....	On and after 08/19/91.	U.S. No. 1.....	2 1/16
*	*	*	*

Dated: July 9, 1991.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-16753 Filed 7-15-91; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Parts 54 and 79

[Docket No. 91-019]

RIN 0579-AA24

Scrapie Flock Certification and Animal Identification Procedures

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to establish a voluntary scrapie sheep and goat flock certification program to reduce the incidence and control the spread of scrapie, a sheep and goat disease. Among other features, this program would establish an official identification system for certain sheep and goats in flocks participating in the flock certification program. This proposal was developed by the Scrapie Negotiated Rulemaking Advisory Committee, and reflects early steps toward the long-term goal of eradication of scrapie in the United States. This long-term goal should be facilitated by further scientific research on the nature and means of spread of scrapie, and requires development of additional methods for diagnosis and control of scrapie, such as a live-animal diagnostic test for the disease.

We are also proposing to require a permanent, indelible mark on certain sheep and goats as a condition for interstate movement. The animals which would be required to be identified are: scrapie-positive sheep and goats; high-risk sheep and goats from flocks that meet certain proposed flock management requirements (except high-risk animals less than one year of age moving in slaughter channels); and all sheep and goats from scrapie infected flocks and scrapie source flocks that do not meet the proposed flock management requirements. (Flocks participating in the voluntary scrapie sheep and goat flock certification program would all meet these proposed flock management requirements, as they are part of the basic requirements for participation.)

If adopted, this proposal will affect persons who move certain sheep and goats interstate.

DATES: Consideration will be given only to comments received on or before September 16, 1991.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD. APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 91-019. Comments received may be inspected at USDA, room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Linda Detwiler, Sheep, Goat, Equine, Poultry, and Miscellaneous Diseases Staff, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 770, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6954.

SUPPLEMENTARY INFORMATION:

A. Background on Scrapie

Scrapie is a progressive degenerative disease of the central nervous system of sheep and goats. The disease develops slowly, with an incubation period lasting from months to years. The signs which then become manifest may include nervousness, incoordination, slight muscular tremors, visible weight loss, lack of luster in the animal's wool, and itching. Infected animals become debilitated and die.

There is no diagnostic test for confirming the presence of the disease in a live animal and generally the presence of the disease cannot be detected until the animal becomes clinically ill. Due to the lack of a live animal diagnostic test, efforts to control and eliminate the disease depend upon the cooperation of flock owners and veterinarians in reporting clinically ill animals. There is no known treatment for the disease. Control efforts have therefore focused upon the destruction of certain animals in order to reduce the incidence and prevent the spread of scrapie.

The impact of scrapie could increase if the spread of scrapie is not controlled or if its incidence increases. Additionally, a scrapie-like disease called bovine spongiform encephalopathy (BSE) has recently caused serious outbreaks of cattle disease in the United Kingdom, where scrapie has been prevalent for more than 200 years. The spread of BSE in countries with scrapie-infected animals has been epidemiologically associated with the use of rendered, scrapie-infected sheep carcasses as a source of supplemental protein in cattle feed. BSE is not known to exist in the United States; however, the possibility that it could become established is a strong additional argument for effective control of scrapie in the United States.

B. Previous Rulemaking Concerning Scrapie

A Cooperative Scrapie Eradication Program (the Eradication Program) was developed in 1952 by the Federal government and the States in an effort to contain and ultimately eradicate the disease. However, while Federal regulations authorize the slaughter of animals and payment of Federal indemnity in support of the Eradication

Program, no Federal regulations require the slaughter of particular animals. The Eradication Program has been largely dependent upon State regulations and resources for its effective implementation. The regulations of many States allow State officials to order the quarantine and destruction of animals affected by scrapie, and State personnel and funds have been used in support of the Eradication Program.

Pursuant to the regulations in 9 CFR part 54 (the regulations), indemnity for an animal destroyed because of scrapie is paid to its owner following appraisal of the animal. The indemnity ceiling has been increased several times since the regulations were first promulgated in 1954 and is provided in § 54.7(a) of the regulations. Currently, the amount paid to the owner as indemnity is equal to two-thirds of the appraised value of the animal, not to exceed $300 per head. The owner must agree, in writing, to accept this compensation from the United States before the indemnity is paid.

The regulations authorizing slaughter and indemnification for certain animals because of scrapie have been amended several times since they were first promulgated in 1954. The amendments responded to revised assessments of the effectiveness of the Eradication Program, new evaluations of the risks presented by certain animals in infected flocks, and the availability of Federal funds for indemnification of animal owners, flock surveillance, and disease detection programs.

The regulations that were in effect from 1975–1983 provided that exposed animals as well as affected and bloodline animals were authorized for slaughter and indemnity. An affected animal was defined in a 1978 amendment of the regulations to mean, "[a]n animal for which a diagnosis of scrapie has been made by a Veterinary Services representative or State representative." A bloodline animal was defined to mean "any sheep or goat which is: the sire or dam of an affected animal; the descendant of an affected animal; or the full or half brother or sister of an affected animal."

In 1978 the regulations were intended to prevent lateral spread of scrapie by contact, and required depopulation of entire infected and source flocks if scrapie was reported, as a condition of receiving an indemnity payment. However, under these regulations flock owners risked losing valuable bloodline animals if they reported the disease. Following an analysis of flock depopulation and indemnification, the regulations were amended in 1983 by providing less drastic means for eradicating the disease and controlling its spread. Under the 1983 amendment of the regulations, destruction of animals and the payment of indemnity were authorized for: (1) Affected animals, that is, animals diagnosed by a Veterinary Services or State representative as having scrapie, and (2) bloodline animals. The definition of "bloodline animal" was amended to read "[t]he dam of an affected animal and the dam's first generation progeny, the maternal granddam of an affected animal, the first generation progeny of an affected animal, and all succeeding generations of female progeny from female progeny of an affected female animal." This definition concentrated on the dam and female progeny of affected animals, a group presenting higher risks than related males. Depopulation of entire flocks was no longer required in order to receive indemnity payments. Except for a recent amendment of the regulations in 1988, explained below, the regulations as amended in 1983 are currently in effect.

The 1983 amendment restricting authorization for indemnity to affected and bloodline animals was prompted by the unavailability of sufficient funds to indemnify owners for all affected and exposed animals. The supplementary information accompanying that amendment justified this change by pointing out that most of the indemnities paid before the change were not for animals affected by scrapie, but for exposed animals believed to present minimal risk of spreading the disease. (See 43 FR 16235, April 15, 1983).

Some industry representatives have expressed concern that the more extensive slaughter policy from 1975 to 1983 may have posed a disincentive to keeping accurate flock records and to accurate reporting of the disease by flock owners, and, therefore, was not effective in eradicating the disease. We share their concern. Agency reports indicate that fewer flocks were reported as infected each year during the 1975–1983 period than following the 1983 amendment, under which only affected and bloodline animals were eligible for slaughter and indemnity. Reports of scrapie increased after 1983. We cannot verify whether the increased level of reporting of scrapie following the 1983 amendment has been due to the 1983 amendment, or if it has been due to reduced effectiveness of the Eradication Program as a result of not requiring flock depopulation as a condition of receipt of an indemnity payment.

Under the current Eradication Program, once a scrapie-affected animal is found by a Veterinary Services representative or State representative, all animals in the flock are considered either affected or exposed. All affected and bloodline animals may be destroyed and Federal indemnity paid for these animals. The remaining animals are maintained under surveillance for 42 months following the most recent exposure to scrapie and are subject to periodic inspection by Veterinary Services or State representatives. Surveillance involves significant costs to Federal and State governments for personnel, travel time, and travel expenses. As a result, the regulations in § 54.8 were amended in January 1988, to once again allow whole-flock slaughter and indemnity, but only when a cost-benefit analysis establishes that it is more cost effective to destroy the flock than to maintain it under surveillance. This January 1988 change also limited the indemnities paid each year to the amount of funds appropriated by Congress that appear to be available for this purpose for the remainder of the fiscal year.

The procedures outlined in the Scrapie Eradication Program are not mandated by Federal regulation, and there is no requirement in the regulations for surveillance by Veterinary Services or State representatives. Due to these factors and the fact that there is no known diagnostic test that can confirm the presence of the disease in a live animal, the Eradication Program is dependent upon State efforts and funds directed at controlling the disease, cooperation from the industry, and accurate reporting by flock owners. Each State which participates in the Scrapie Eradication Program maintains regulations governing quarantine, surveillance, and inspections, and variations exist between the participating States' requirements.

We now believe that without a uniform national program, we cannot eradicate or control scrapie.

On November 2, 1988, we published in the **Federal Register** (53 FR 44200–44202, Docket No. 88.131) an advance notice of proposed rulemaking that solicited comments on whether to remove the regulations for destroying animals because of scrapie and discontinue the Scrapie Eradication Program while we considered alternative programs for controlling the disease. The commenters represented numerous diverse interests, including State and Federal government officials, industry associations, sheep producers, breeders, farmers, veterinarians, and other individuals. A number of the commenters stressed that a successful scrapie control or eradication program would require the support of the divergent interests

affected by the disease. Many commenters felt that a continuing dialogue among the different factions of the sheep and goat industries and Federal and State regulatory officials should be encouraged.

The comments we received suggested that it would be highly desirable to involve all interested parties in developing an effective, uniform program that could be implemented through cooperative Federal-State efforts. On July 13, 1989, we published in the **Federal Register** (54 FR 29576, Docket No. 89–079), a second advance notice in which we responded to the comments we received addressing Docket No. 88–131. In the July 13th notice, we informed the public of our determination to continue the current Scrapie Eradication Program until development of a revised and improved scrapie program had been explored. In the July 13th notice, we stated that we were considering the regulatory option of conducting a negotiated rulemaking in order to develop such a program. We concluded that consensus on a scrapie program is attainable, and that we should proceed with negotiated rulemaking.

C. Scrapie Negotiated Rulemaking Advisory Committee

On February 26, 1990, the Animal and Plant Health Inspection Service (APHIS) published a notice in the **Federal Register** (55 FR 6662–6663, Docket No. 89–139) announcing our intent to establish an advisory committee to develop a proposed rule containing alternatives to the current regulatory program for the control of scrapie. This committee, called the Scrapie Negotiated Rulemaking Advisory Committee (the Committee), was subsequently established in accordance with the Federal Advisory Committee Act. Invitations to join the Committee were sent to representatives of the following parties with a definable stake in the outcome of the proposed rule. All of these organizations accepted membership on the Committee, except for the American Rambouillet Breeders Association, which was unable to participate. APHIS was also a Committee member.

American Association of Small Ruminant Practitioners
American Farm Bureau Federation
American Hampshire Sheep Association
American Rambouillet Breeders Association
American Polypay Sheep Association
American Sheep Industry Association, Inc.
American Suffolk Sheep Society
Continental Dorset Club
National Assembly of Chief Livestock Health Officials
National Suffolk Sheep Association
United States Animal Health Association

The Committee drafted operating procedures at its first meeting. These procedures allowed the addition of additional representatives to the Committee, if the addition of the new members were approved by a consensus of the Committee. At its second meeting, the Committee decided to invite the American Meat Institute and the National Renderers Association to join the Committee. These two organizations accepted membership and became Committee members as of the third Committee meeting.

The Committee met eight times between May 1990 and January 1991. During those meetings, the Committee reached consensus on the content and requirements of a program to reduce the incidence of scrapie and control its spread. This proposed rule reflects the consensus of the Committee members.

D. Consensus Views of the Committee

Following extensive discussion, the Committee reached consensus on a number of issues related to scrapie. The Committee designed a detailed scrapie control program, described in sections E and F of this preamble. While the proposed scrapie control program is a major product of the Committee, there are other activities, outside the scope of the regulations proposed by this document, that the Committee identified as important to the success of scrapie control. The Committee urges sheep and goat producers, sheep and goat industry members, and State and local governments to vigorously support the following initiatives for scrapie control.

Education

Current and accurate information about scrapie must be effectively presented to sheep and goat producers, other members of the sheep and goat industry, practicing veterinarians, veterinary colleges, the cooperative extension service, livestock markets and packers, renderers, State sheep organizations, and consumers. Industry members and veterinarians must be educated regarding how to identify signs of scrapie, the implications of scrapie for flocks' health and marketability, and Federal and State assistance and programs available to help deal with scrapie. Businesses involved in the sale, movement, slaughter, and processing of sheep and goats need to be educated in practices that can reduce scrapie spread, and in Federal and State regulatory requirements for sheep and goats in commerce. Consumers need to be presented with the best available facts and theories about scrapie and the risks, if any, it may present to consumers of sheep and goat products.

The Committee believes it is important that APHIS provide a central clearinghouse for information about scrapie, and for reports on the status of flocks participating in the Voluntary Scrapie Flock Certification Program (see section E below). Persons in the sheep and goat industries may want to determine whether particular flocks are participating in the Voluntary Scrapie Flock Certification Program, or to determine the classification status of flocks in the Voluntary Scrapie Flock Certification Program, and may also want to determine the scrapie disease status of flocks. A single, widely publicized contact office in APHIS should be identified to respond to requests for this type of information.

The Committee also believes the Agricultural Stabilization and Conservation Service and the Extension Service of USDA could play important roles in producing and distributing educational material concerning scrapie.

Scientific Research

There are many unanswered questions about scrapie, and research should be conducted in a number of areas. These areas include the following:

—The nature and structure of the scrapie agent;
—Possible methods for live-animal tests for scrapie;
—The role of sheep and goat genetics in the transmission, incubation period, and manifestation of scrapie;
—The infectivity and modes of transmission of scrapie among sheep and goats or to other species;
—The transmissibility of scrapie when various alternative reproductive technologies are used for sheep and goats; e.g., artificial insemination and embryo transfer; and,
—The incidence of scrapie in United States sheep and goats, e.g., through large-scale sampling of sheep brains from slaughter plants.

Funding for Scrapie Programs

The Committee agreed that members of the sheep and goat industry must be willing to bear some of the costs involved in controlling scrapie. The Committee also understands that the willingness of sheep and goat industry members to commit funds to scrapie control may be proportional to the willingness of Federal and State governments to commit funds to scrapie control programs. Industry is more likely to support and help finance a program if it perceives a strong and continuing level of government support. Therefore,

the effectiveness of scrapie control programs will partly depend on support of the programs by Federal and State governments, and continuing appropriation of funds to support the programs.

The producer organizations represented on the Scrapie Negotiated Rulemaking Advisory Committee have indicated, after consultation within their organizations, producer willingness to share some of the financial support of the Voluntary Scrapie Flock Certification Program. To provide partial funding for research, education, and implementation of the proposed Voluntary Scrapie Flock Certification Program, producer groups representing various segments of the industry propose to solicit funding through their organizations, and from allied industries and associations.

Federal-State-Industry Cooperation

The Committee believes cooperation is a crucial concern in scrapie control, particularly because so many features of the proposed scrapie control program depend on voluntary compliance and voluntary support. Particular areas in which cooperation between Federal agencies, State agencies, and industry is essential include education, access to records, and service delivery. Scrapie education efforts will succeed if the educational materials are centrally coordinated to ensure their accuracy and are distributed through State and industry channels to reach the right target populations. Effective scrapie control will depend on Federal and State agencies, sheep and goat producers, breed associations, and other industry members allowing reasonable access to all the records they maintain that can identify the movement of animals exposed to scrapie. The resources devoted to delivery of scrapie control services must be coordinated at local, State, and national levels, to ensure that any industry member who wishes to participate in the scrapie control program is enabled to do so. In particular, the availability of diagnostic laboratory services, electronic implant identification devices for animals, and the services of accredited veterinarians and State and APHIS personnel must be coordinated to effectively support scrapie control.

E. Proposed Voluntary Scrapie Flock Certification Program

The Committee determined that a central feature of any new scrapie control program should be the gradual development of flocks that are certified to be "scrapie free". The identification of certified scrapie-free flocks would help control the spread of scrapie in the near future, and would establish a basis for work toward the long-term goal of eradicating scrapie in the United States. The key elements of the certification program developed by the Committee are as follows:

—Voluntary participation by flock owners. The program should attract flock owners' participation by offering them an opportunity to protect their animals from scrapie, and to preserve and increase the economic value of their animals by attaining a flock status that enhances their marketability.

—Sheep and goat industry participation in program planning, oversight, and implementation. State-level Scrapie Certification Boards that oversee program activities and make decisions on flock status should include industry and State, as well as Federal, representatives.

—Program requirements based on sound risk management practices. Because identifying individual animals affected by scrapie is so difficult, identifying and controlling the level of risk associated with groups of animals becomes very important in this program. The program must use sound epidemiological evidence to assign risk levels to groups of animals based on the exposure of the animals to possible sources of infection by scrapie. As the amount of time a group of animals remains unexposed increases, the risk level of that group decreases.

—A nationally uniform-identification system for animals in the certification program. The official form of identification will be an electronic implant device, recording a unique identification number and other coding which will be uniform throughout the United States. In participating flocks, all animals over one year of age must be identified, and animals less than one year of age that change ownership (except if moved to slaughter) must also be identified.

—Participating flocks may progressively move through four classes of certification over time, with each higher class representing a lower risk that the flock contains animals affected by scrapie.

—The four classes of flock participation are called Certifiable Class C, Certifiable Class B, Certifiable Class A, and Certified. Each class of participation has a minimum time limit a flock must spend in that class, and each class has specific requirements for flock recordkeeping, purchase of new animals, flock inspections, actions upon animal deaths, and submission of diagnostic samples.

—The scrapie certification program would be administered on a national basis. State involvement and cooperation would be an essential part of the voluntary program, and any State may sign a cooperative agreement with APHIS specifying division of program costs, tasks, and areas of support for scrapie certification activities within that State.

—State Scrapie Certification Boards and State animal health agencies would encourage flock owners to reduce the incidence of scrapie by voluntarily complying with the provisions of the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification Program" (UM&R).

—Flock owners are not required by Federal regulation to follow the UM&R. The UM&R is a set of voluntary standards and techniques. The UM&R is the operational manual of the Voluntary Scrapie Flock Certification Program, and contains definitions, procedures for flock management in each class of the program, procedures for promotion or demotion from one class to another, procedures for collecting brain and organ samples for scrapie tests, epidemiological and diagnostic information, procedures for identifying source and exposed flocks by using records of animal movement to and from infected flocks, and details of program administration.

The provisions for administration of the Voluntary Scrapie Flock Certification Program, and for participation in the Program, are contained in the proposed changes to 9 CFR part 54 in the amendatory language section of this document. See section F below for discussion of the definitions of certain basic terms that are used in both the proposed Voluntary Scrapie Flock Certification Program in part 54, and in proposed changes to part 79 concerning interstate movement restrictions for sheep.

F. Proposed Identification For Scrapie-Positive Sheep, High-Risk Sheep, and Sheep From Infected and Source Flocks Moved Interstate

The Committee agreed that scrapie control would be aided if certain sheep and goats that may carry scrapie and are moved interstate were clearly marked in a way that would allow potential buyers to readily identify them. The Committee proposed a

requirement to mark, prior to interstate movement, all scrapie-positive animals and all animals from infected flocks and source flocks (with the exceptions described below).

The following definitions are important to understanding the proposed requirement to mark certain sheep and goats prior to allowing them to be moved interstate. These definitions are used in the proposed changes to both part 54 (which describes the Voluntary Scrapie Flock Certification Program) and part 79 (which imposes interstate movement restrictions for sheep and goats).

Breed Associations and Registries.

Organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire and dam), individual animal identification and records of ownership.

This definition is needed primarily because APHIS proposes to require flock owners to authorize us to collect information on their animals under certain circumstances. If the flock owner wishes to move animals interstate in accordance with § 79.2, or wishes to join the Voluntary Scrapie Flock Certification Program, the owner must allow breed associations and registries, livestock markets, and packers to disclose records to Veterinary Services representatives or State representatives, to be used to trace source flocks and exposed animals. This definition of breed associations and registries would allow us to collect the relevant information from any organization maintaining it.

Flock

All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

This definition is quite similar to the current definition of flock in part 54, and the current definition of herd in part 50, part 51, and other APHIS regulations. We decided to include all animals on a premises in the same flock due to animal identification studies showing that even when flock owners believe they are maintaining animals in separate groups on the same premises, there is frequently movement of animals between the groups.

Flock Plan

A written flock management agreement designed by the flock owner, an accredited veterinarian and a Veterinary Services Representative or State representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock, source flock, or exposed flock. The flock plan shall use epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the Veterinary Services representative or State representative to control scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises, education of the flock owner and personnel working with the flock in techniques to recognize clinical signs of scrapie and control its spread, and requirements for maintaining records of animals in the flock.

This definition recognizes that each flock plan is unique in the way it specifically addresses the situation of the subject flock; but also recognizes that all flock plans incorporate some common approaches that experience has shown to reduce the risk of scrapie transmission. All flock plans will identify high-risk animals for removal; this is an obvious way to reduce the risk of spreading scrapie. Most flock plans will also include particular requirements for education, cleaning and disinfection, and record keeping.

We have found that many owners of scrapie-infected sheep do not recognize the signs of scrapie, and do not know enough about the disease to prevent its spread. Some owners recognize signs of the disease, but are unfamiliar with Federal and State requirements for scrapie control. Better control comes with increased education, and that is why education is addressed in the flock plan definition.

Scientific studies differ on the efficacy of cleaning and disinfection procedures in reducing the viability of the scrapie agent. Some studies indicate that the agent is extremely hard to kill with standard procedures. However, the consensus is that cleaning and disinfection, at the very least, will reduce the risk of scrapie spread. The exact type of cleaning and disinfection is not specified in the flock plan definition because of the large variation in types of premises.

High-Risk Animal

An animal which is: (1) The progeny of a scrapie-positive dam; (2) born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups (groups that are managed as separate units and are not commingled during lambing and for 60 days following the date the last lamb is born, and that do not use the same lambing facility unless the facility is cleaned and disinfected between lambings by removing all organic matter and spraying the facility with a 2 percent sodium hydroxide solution or 0.5 percent sodium hypochlorite solution); or (3) born during the same lambing season as a scrapie-positive ewe or ram in a source flock.

The progeny of scrapie-positive dams were included in this definition because such animals are the single category likeliest to become infected with scrapie, according to scientific studies. The other categories in the definition represent all the categories of animals we have identified as being subject to a risk of scrapie infection that is significantly greater than the general sheep population. This definition recognizes that studies have shown that any form of contact with a scrapie-positive dam soon after it gives birth is a high-risk situation for transmission of scrapie.

An animal born in the same flock during the same lambing season as progeny of a scrapie-positive dam is not considered a high-risk animal if it is from a separate contemporary lambing group. As defined, animals in separate contemporary lambing groups do not commingle at the time animals are likeliest to become infected through contact with scrapie-positive dams. They also may not use the same lambing facility unless it has been cleaned and disinfected using methods we believe will reduce the risk of scrapie transmission to an acceptable level.

Infected Flock

Any flock in which a Veterinary Services representative or State representative has determined an animal to be a scrapie-positive animal. A flock will no longer be considered to be an infected flock after it has completed the requirements of a flock plan.

Both this and the next definition deal with testing an animal and determining it to have scrapie. At the present time such tests may be done only with dead animals, or by killing the animal, since the tests are based on organ and nerve tissue samples. However, we hope that a live-animal diagnostic test for scrapie may be developed in the future. To understand these definitions at the present time, though, one should realize that a scrapie-positive animal is a dead animal, and an infected flock is the flock to which an animal belonged

immediately prior to the time it died or was killed and tested positive.

Scrapie-Positive Animal

An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with this subpart, through histological examination of tissues from the animal.

Currently, no laboratory other than NVSL is authorized to conduct scrapie tests. We hope to authorize other laboratories, to distribute the scrapie test workload manageably and ensure timely testing. Procedures and requirements to be followed by an authorized laboratory may be the subject of future rulemaking.

Source Flock. A flock in which a Veterinary Services representative has determined that at least two animals, that were diagnosed as scrapie-positive animals at an age of 54 months or less, were born. In order to be deemed a source flock the second positive diagnosis must be made within 60 months of the first positive diagnosis. A flock will no longer be considered a source flock after it has completed the requirements of a flock plan.

This definition is based on scientific studies on the average time it takes for a sheep that becomes infected with scrapie to show signs of scrapie, or test positive for scrapie. These studies conclude that a sheep younger than 54 months that has scrapie probably became infected at or near birth. Reports also show that almost all sheep that are infected show signs of scrapie within 60 months of infection. For that reason. If two sheep are shown positive for scrapie 60 months apart, they probably did not become infected through the same source.

In addition to establishing these definitions we are proposing to amend 9 CFR part 79 to include an animal identification requirement for certain sheep and goats that present a risk of spreading scrapie.

Current part 79 imposes restrictions on the interstate movement of sheep affected by or exposed to scrapie. It authorizes APHIS to establish quarantined areas for scrapie and prohibits interstate movement of sheep and goats from these areas except under conditions set forth in part 79. No such quarantined areas are currently designated under part 79.

We are proposing to change part 79 to require that certain sheep and goats be permanently identified with an indelible mark in the form of the letter "S" at least 1" by 1" applied on the left jaw, before they are allowed to move interstate. The sheep and goats this requirement would apply to are scrapie-positive animals, high-risk animals (except those less than one year of age moving in slaughter channels) from flocks that meet the flock management requirements of proposed § 79.2, and all animals from scrapie infected flocks and scrapie source flocks that do not meet the flock management conditions of proposed § 79.2.

High-risk animals less than one year of age moving in slaughter channels are exempted from marking, if they are from a flock meeting the flock management conditions. In addition to the reduction in risk that results from the flock management conditions, such young animals do not pose a significant risk of spreading scrapie, according to the best scientific information currently available, and slaughter would remove the risk such animals could develop and spread scrapie later. If new information indicates that such animals do pose a risk of spreading scrapie, or reports indicate that such animals are diverted from slaughter channels, we would propose to amend or remove this exemption.

This marking requirement for interstate movement addresses mainly scrapie infected flocks and source flocks, even though there is also risk associated with high-risk animals from flocks that are neither infected or source flocks. Part of the reason for this limitation is based on information, and part is based on resources. Generally, we have enough information about infected and source flocks to enforce this requirement, while we often would be unaware that scattered high-risk animals in various flocks that have not come to our attention are being moved interstate. To gather enough information to enforce interstate movement restrictions on every potential high-risk animal would essentially require us to constantly track all pedigree records and sale transactions nationwide, and we lack both the legal authorities and the personnel resources to do so. Therefore, we are concentrating our resources for enforcing interstate movement marking requirements on movements of animals from infected and source flocks.

The flock management conditions flocks must meet to exempt certain of their animals from the marking requirement for interstate movement are as follows:

(1) The flock owner or his or her agent must sign an agreement with the Administrator in which he or she agrees to comply with the flock management conditions until the time his or her flock is no longer an infected flock or source flock. This ensures that flocks will not abide by the conditions just long enough to move certain animals interstate, but will continue to take steps to control scrapie in the flock.

(2) The flock owner or his or her agent shall immediately report to a State representative, Veterinary Services representative, or an accredited veterinarian, any animals in the flock exhibiting the following: Weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, swaying of back end; increased sensitivity to noise and sudden movement; tremor; "star gazing"; head pressing; and recumbency. Such animals must not be removed from the flock without written permission of a Veterinary Services representative or State representative. This condition will help identify animals that may be infected with scrapie, because animals showing these signs may have scrapie. This condition would help screen animals for signs of scrapie, and prevent movements of animals that may infect other flocks.

(3) The flock owner or his or her agent shall identify all animals 1 year of age or over within the flock. All animals less than 1 year of age will be identified when a change of ownership occurs, with the exception of those moving within slaughter channels. The form of identification will be an electronic implant providing a unique identification number which may be applied by the flock owner or his or her agent in accordance with instructions by a Veterinary Services representative, State representative or an accredited veterinarian. This identification requirement is necessary to distinguish animals that may be infected with scrapie from other animals, and to keep track of the movement of animals.

(4) The flock owner or his or her agent shall maintain, and keep for a minimum of five years after an animal dies or is otherwise removed from a flock, the following records for each animal in the flock: The animal's individual identification number from its electronic implant and any secondary form of identification the owner may choose to maintain; sex; breed; date of acquisition and source (previous flock), if the animal was not born in the flock; and disposition, including the date and cause of death if known, or date of removal from the flock. These records are

necessary to establish the pattern of scrapie spread associated with the flock and to identify other flocks that may be exposed to scrapie.

(5) The flock owner or his or her agent shall allow breed associations and registries, livestock markets, and packers to disclose records to Veterinary Services representatives or State representatives, to be used to trace source flocks and exposed animals. These groups maintain records of animal sales and pedigrees that can be used to track the movement of animals that may be infected with scrapie and to identify flocks that may be exposed to scrapie.

(6) The flock owner or his or her agent shall make animals in the flock and records required to be kept under paragraph (a)(4) of this section available for inspection by Veterinary Services representatives and State representatives, given reasonable prior notice. Inspection of animals is necessary to look for clinical signs of scrapie, and inspection of records is necessary to confirm flock inventories and movements of animals into and from the flock.

(7) Upon request of a Veterinary Services representative, the flock owner or his or her agent will have an accredited veterinarian collect and submit tissues from animals reported in accordance with paragraph (a)(2) of this section to a laboratory designated by a Veterinary Services representative. Collection and testing of tissue samples is currently the only conclusive method to determine whether an animal is a scrapie-positive animal.

The flock management conditions contained in proposed § 79.2 are the same as those followed by all flocks participating in the Voluntary Scrapie Flock Certification Program. With the exception of certain high-risk animals, animals in flocks participating in the Voluntary Scrapie Flock Certification Program would not be required to be marked to move interstate, even if the flock was at some time identified as a source flock or an infected flock, because participating flocks would fully meet the flock management requirements contained in proposed § 79.2.

To be a participating member of the Voluntary Scrapie Flock Certification Program, a flock owner or his or her agent must follow a flock plan approved under the Voluntary Scrapie Flock Certification Program, remove "high-risk" animals, and follow other procedures specified in the Uniform Methods and Rules to control the risk of spreading scrapie. The effect of these procedures is to reduce the risk of scrapie transmission associated with animals in the Voluntary Scrapie Flock Certification Program to a minimal risk level. However, if any source flock or infected flock participating in the Voluntary Scrapie Flock Certification Program dropped out or was removed from the Voluntary Scrapie Flock Certification Program, and did not continue to meet the flock management requirements contained in proposed § 79.2, animals from that flock would have to be marked to move interstate.

The flock management practices in proposed § 79.2 are designed to reduce the risk of scrapie spread and allow high-risk animals to be identified and marked before being moved interstate. If owners of infected or source flocks do not meet these requirements, all of their animals would have to be marked to be moved interstate. Flocks participating in the Voluntary Scrapie Flock Certification Program would already meet these requirements, as they are included in the requirements for the Voluntary Scrapie Flock Certification Program. If nonparticipating infected or source flock owners wish to move any of their animals interstate without having them marked, they would have to meet the requirements of § 79.2, until the time their flock is no longer an infected flock or source flock. In most cases, they would probably find it advantageous to join the Voluntary Scrapie Flock Certification Program rather than attempting to meet the requirements of § 79.2 without participating in the Voluntary Scrapie Flock Certification Program.

The marking requirement would provide a ready means of risk identification in interstate market channels, and would allow informed judgments by members of the sheep and goat industry. For example, slaughter and rendering facilities could readily identify marked animals if they wish to divert such animals to separate facilities.

A key issue regarding this proposed marking requirement is how animals would be determined to be scrapie-positive animals, animals from an infected flock, or animals from a source flock. A scrapie-positive animal is any animal which has been diagnosed with scrapie through histological examination of tissues from the animal by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests. This is currently the only reliable method for diagnosing animals with scrapie; and currently this test can only be performed on an animal that has died, or one that is killed for testing. If other reliable test methods are developed in the future, such as a live-animal diagnostic test, we will propose to amend the definitions of "scrapie-positive animal" in the regulations to allow use of other tests for scrapie.

Veterinary Services or State representatives would identify any flock in which an animal tested scrapie-positive as an infected flock, and would identify source flocks by reviewing sale, movement, and breeding records associated with scrapie-positive animals. APHIS would notify the owner of each flock it determines to be an infected or source flock, and would include in the notice a description of the interstate movement restrictions and marking requirements contained in part 79.

A list of flocks determined to be infected flocks or source flocks would be published from time to time in the **Federal Register**, and this information would also be available upon request to APHIS.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291 and we have determined that it is not a "major rule." Based on information compiled by the Department, it has been determined that this rule, if adopted, would have an effect on the economy of less than 100 million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There are approximately 11 million sheep in the United States, including 785,000 registered sheep and 10,215,000 nonregistered sheep. These sheep are divided among approximately 112,000 flocks or producers, including approximately 26,000 registered flocks and 86,000 nonregistered flocks.

The Voluntary Scrapie Flock Certification Program described in this document is not a rulemaking action and is not subject to the analytical requirements of Executive Order 12291 and the Regulatory Flexibility Act. Therefore, potential economic impacts of the Voluntary Scrapie Flock Certification Program are not discussed in this section.

This proposal, if adopted, would affect a small number of sheep and goat

producers who own scrapie-infected or source flocks and desire to move animals from them interstate, by imposing a small cost for identification of each animal moved. We estimate that it will cost approximately 50 cents to identify a sheep or goat from a scrapie-infected or source flock to meet the requirements of this rule. We have collected the following information on the number of scrapie-infected and source flocks that are known to us as of January 11, 1991:

Scrapie-infected flocks	108
Scrapie source flocks	13
Sheep in scrapie-infected flocks	7,430
Goats in scrapie-infected flocks	9
Sheep in scrapie source flocks	3,418
Total infected and source flocks	121
Total animals in these flocks	10,857

The Committee considered various alternatives to this proposed rule. One alternative would be to establish a continuing program to destroy all flocks containing infected and exposed animals, using a broad definition of "exposed." Depopulating entire flocks in this way would cost the Federal government millions of dollars in indemnity payments, and would result in vast losses to the industry. Both APHIS and the industry view this approach as undesirable because most of the animals that would be destroyed would likely present minimal risk of spreading the disease and, by sheer volume, would account for most of the indemnity paid. This could also lead to abuse of the indemnity provisions by flock owners who fail to report scrapie when the market price of sheep and goats is high because they would stand to lose many animals worth far more than the indemnity would compensate. If the market price is depressed, however, this approach could result in increased reporting of infected flocks in order to receive the indemnity. Also, when sheep market prices are low, flock owners eligible for indemnity might enlarge their flocks by buying low-cost animals in order to maximize their indemnity payments.

Another alternative would be to abolish the existing scrapie program and do nothing until a live-animal diagnostic test for scrapie is developed. After such a test is developed, APHIS could design a program to use the test to identify and destroy infected animals. This alternative was not selected because the date such a test could be ready is uncertain, and the scrapie problem needs to be addressed now.

The selected alternative would impose a small identification cost on persons who move the following types of animals interstate: scrapie-positive animals, high-risk animals (except those less than one year of age moving in slaughter channels) from flocks that meet the flock management requirements of § 79.2, and all animals from scrapie infected flocks and scrapie source flocks that do not meet the flock management requirements of § 79.2. We are not able to determine the exact number of these animals. This rule, if adopted, would potentially be applicable to 121 flocks, or approximately 0.1 percent of the approximately 112,000 flocks in the United States. Animals in these flocks number 10,857, or approximately 0.1 percent of all sheep and goats in the United States. If all these flock owners decided to move all their animals interstate, the identification costs would average approximately $45 per flock ($5,426.50 divided among 121 flocks). However, it is extremely unlikely that these owners would choose to move all these animals interstate, and, therefore, the identification costs for these animals will probably be less than this estimate. In addition, some of these owners will probably choose to comply with the flock management conditions of proposed § 79.2, which allow interstate movement of certain animals from infected flocks and source flocks without requiring the identification discussed above. We currently do not have reliable estimates of the cost of complying with the flock management conditions in § 79.2, and invite comments supplying information in this area.

The identification costs to the owners of scrapie-infected and source flocks would be at least partially balanced by the economic gains the owners accrue through having access to interstate markets which may pay higher prices for their animals. The overall cost of this identification to the sheep and goat industry is also balanced by the benefits that accrue to the industry by enabling APHIS and State governments to use the identification to better track the movements of animals from scrapie-infected and source flocks. Potential control of scrapie spread is also improved through this tracking.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action, if adopted, would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V).

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). Your written comments will be considered if you submit them to the Office of Information and Regulatory Affairs, OMB, attention: Desk Officer for APHIS, Washington, DC 20503. You should submit a duplicate copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects

9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Scrapie, Sheep.

9 CFR Part 79

Animal diseases, Goats, Quarantine, Scrapie, Sheep, Transportation.

Accordingly, we propose to amend 9 CFR parts 54 and 79 as follows:

PART 54—CONTROL OF SCRAPIE

1. The authority citation for part 54 would continue to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 134a–134h; 7 CFR 2.17, 2.51, and 371.2(d).

2. The heading for part 54 would be revised to read as set forth above, and a new "Subpart A—Animals Destroyed Because of Scrapie" would be established to include §§ 54.2 through 54.9 currently contained in part 54.

3. In § 54.1 the definitions of "Flock" and "State representative" would be revised, and the following definitions would be added in alphabetical order to read as follows:

§ 54.1 Definitions.

Accredited Veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this chapter to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by

cooperative State-Federal disease control and eradication programs.

* * * * *

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

APHIS. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

Area Veterinarian in Charge. The veterinary official of Veterinary Services, who is assigned by the Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

* * * * *

Breed Associations and Registries. Organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire and dam), individual animal identification and records of ownership.

* * * * *

Flock. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Flock Plan. A written flock management agreement designed by the flock owner, an accredited veterinarian and a Veterinary Services Representative or State representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock, source flock, or exposed flock. The flock plan shall use epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the Veterinary Services representative or State representative to control scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises, education of the flock owner and personnel working with the flock in techniques to recognize clinical signs of scrapie and control its spread, and requirements for maintaining records of animals in the flock.

High-Risk Animal. An animal which is:

(1) The progeny of a scrapie-positive dam;

(2) Born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless tha progeny of the scrapie-positive dam are from separate contemporary lambing groups (groups that are managed as separate units and are not commingled during lambing and for 60 days following the date the last lamb is born, and that do not use the same lambing facility unless the facility is cleaned and disinfected between lambings by removing all organic matter and spraying the facility with a 2 percent sodium hydroxide solution or 0.5 percent sodium hypochlorite solution); or

(3) Born during the same lambing season as a scrapie-positive ewe or ram in a source flock.

Infected Flock. Any flock in which a Veterinary Services representative or State representative has determined an animal to be a scrapie-positive animal. A flock will no longer be considered to be an infected flock after it has completed the requirements of a flock plan.

* * * * *

Scrapie-positive animal. An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with this subpart, through histological examination of tissues from the animal.

Source Flock. A flock in which a Veterinary Services representative has determined that at least two animals, that were diagnosed as scrapie-positive animals at an age of 54 months or less, were born. In order to be deemed a source flock the second positive diagnosis must be made within 60 months of the first positive diagnosis. A flock will no longer be considered a source flock after it has completed the requirements of a flock plan.

* * * * *

State representative. An individual employed in animal health activities by a State or a political subdivision of a State, and who is authorized by the State or political subdivision to perform the function involved.

Uniform Methods and Rules—Voluntary Scrapie Flock Certification. Uniform methods and rules for reducing the incidence and controlling the spread of scrapie through flock certification.[1]

* * * * *

[1] Individual copies of the UM&R may be obtained from the Administrator, c/o Sheep, Goat, Equine, Poultry, and Miscellaneous Diseases Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Hyattsville, MD 20782; or from the American Sheep Industry Association, Producer Services, 6911 S. Yosemite Street, Englewood, CO 80112–1414, telephone (303) 771–3500.

4. A new subpart B would be added to part 54, to read as follows:

Subpart B—Voluntary Scrapie Flock Certification Program

Sec.

Subpart B—Voluntary Scrapie Flock Certification Program

§ 54.10 Administration.

(a) The Voluntary Scrapie Flock Certification Program is a cooperative effort between APHIS; members of the sheep and goat industry including flock owners, slaughterers and renderers, and breed associations and registries; accredited veterinarians; and State governments. APHIS coordinates with State Scrapie Certification Boards and State animal health agencies to encourage flock owners to reduce the incidence of scrapie by voluntarily complying with the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification."

§ 54.11 Participation.

Any owner of a flock may apply to enter the Voluntary Scrapie Flock Certification Program by sending a written request applying for enrollment to a State Scrapie Certification Board, or to the Administrator. A notice containing a current list of flocks participating in the Voluntary Scrapie Flock Certification Program, and the certification status of each flock, will be published in the Federal Register from time to time. This list may also be obtained from the Administrator, c/o Sheep, Goat, Equine, Poultry, and Miscellaneous Diseases Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Hyattsville, MD 20782, or by calling 1–800–SCRAPIE.

§ 54.12 State Scrapie Certification Boards.

An Area Veterinarian in Charge, after consulting with a State representative and industry representatives, may appoint a State Scrapie Certification Board for the purpose of coordinating activities for the Voluntary Scrapie Flock Certification Program, including making decisions to admit flocks to the Voluntary Scrapie Flock Certification Program and to change flock status in accordance with the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification." No more than one State Scrapie Certification Board may be formed in each State. Each State Scrapie

Certification Board shall include as members the Area Veterinarian in Charge, one or more State representatives, one or more accredited veterinarians, and one or more flock owners, and at the discretion of the Area Veterinarian in Charge may include other members.

§ 54.13 Cooperative agreements with States.

APHIS may execute a cooperative agreement with the animal health agency of any State to cooperatively carry out administration of the Voluntary Scrapie Flock Certification Program within that State. These cooperative agreements will describe the respective roles of APHIS and State personnel in carrying out tasks recommended by the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification Program," and may: Specify the financial, material, and personnel resources to be committed to the Voluntary Scrapie Flock Certification Program by APHIS and the State; assign specific Voluntary Scrapie Flock Certification Program activities to APHIS or State personnel; establish schedules for APHIS or State representatives to visit participating flocks; establish procedures for maintaining and sharing Voluntary Scrapie Flock Certification Program records specified in the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification Program," and specify other responsibilities of State representatives and Veterinary Services representatives in support of the Voluntary Scrapie Flock Certification Program.

5. Part 79 would be revised as follows:

PART 79—SCRAPIE IN SHEEP AND GOATS

Sec.

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 79.1 Definitions.

Accredited Veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this chapter to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture authorized to act in his or her stead.

Animal. A sheep or goat.

Breed Associations and Registries. Organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire and dam), individual animal identification and records of ownership.

Exposed Animal. Any animal which has been in the same flock at the same time within the previous 60 months as a scrapie-positive animal, excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock, and do not occur during or immediately after parturition for any of the animals involved. Limited contacts do not include commingling (when animals concurrently share the same pen or same section in a transportation unit where there is uninhibited physical contact).

Flock. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Flock Plan. A written flock management agreement designed by the flock owner, an accredited veterinarian and a Veterinary Services Representative or State representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock, source flock, or exposed flock. The flock plan shall use epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the Veterinary Services representative or State representative to control scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises; education of the flock owner and personnel working with the flock in techniques to recognize clinical signs of scrapie and control its spread, and requirements for maintaining records of animals in the flock.

High-Risk Animal. An animal which is:

(1) The progeny of a scrapie-positive dam;

(2) Born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups (groups that are managed as separate units and are not commingled during lambing and for 60 days following the date the last lamb is born, and that do not use the same lambing facility unless the facility is cleaned and disinfected between lambings by removing all organic matter and spraying the facility with a 2 percent sodium hydroxide solution or 0.5 percent sodium hypochlorite solution); or

(3) Born during the same lambing season as a scrapie-positive ewe or ram in a source flock.

Infected Flock. Any flock in which a Veterinary Services representative or State representative has determined an animal to be a scrapie-positive animal. A flock will no longer be considered to be an infected flock after it has completed the requirements of a flock plan.

Scrapie-positive animal. An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with this subpart, through histological examination of tissues from the animal.

Source Flock. A flock in which a Veterinary Services representative has determined that at least two animals, that were diagnosed as scrapie-positive animals at an age of 54 months or less, were born. In order to be deemed a source flock the second positive diagnosis must be made within 60 months of the first positive diagnosis. A flock will no longer be considered a source flock after it has completed the requirements of a flock plan.

State. Each of the 50 States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, and all territories or possessions of the United States.

State representative. An individual employed in animal health activities by a State or political subdivision of a State, and who is authorized by the State or political subdivision to perform the function involved.

Veterinary Services representative. An individual employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture in animal health activities who is authorized by the Administrator to perform the function involved.

§ 79.2 General restriction.

No scrapie-positive animal, animal from an infected flock, or animal from a source flock may be moved interstate, unless the animal has been permanently identified with an indelible mark in the form of the letter "S" at least 1" by 1" applied on the left jaw; *Except that,* for animals from infected flocks and source flocks meeting the following conditions,[1] high-risk animals less than one year of age moving in slaughter channels and animals other than high risk animals, are not required to be permanently identified:

(a) The flock owner or his or her agent has signed an agreement with the Administrator in which he or she agrees to comply with the requirements of this paragraph until the time his or her flock is no longer an infected flock or source flock.

(b) The flock owner or his or her agent shall immediately report to a State representative, Veterinary Services representative, or an accredited veterinarian, any animals in the flock exhibiting the following: Weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, swaying of back end; increased sensitivity to noise and sudden movement; tremor; "star gazing"; head pressing; and recumbency. Such animals must not be removed from the flock without written permission of a Veterinary Services representative or State representative.

(c) The flock owner or his or her agent shall identify all animals 1 year of age or over within the flock. All animals less than 1 year of age will be identified when a change of ownership occurs, with the exception of those moving within slaughter channels. The form of identification will be an electronic implant providing a unique identification number which may be applied by the flock owner or his or her agent in accordance with instructions by a Veterinary Services representative, State representative or an accredited veterinarian.

(d) The flock owner or his or her agent shall maintain, and keep for a minimum of five years after an animal dies or is otherwise removed from a flock, the following records for each animal in the flock: The animal's individual identification number from its electronic implant and any secondary form of identification the owner may choose to maintain; sex; breed; date of acquisition and source (previous flock), if the animal was not born in the flock; and disposition, including the date and cause of death if known, or date of removal from the flock.

(e) The flock owner or his or her agent shall allow breed associations and registries, livestock markets, and packers to disclose records to Veterinary Services representatives or State representatives, to be used to trace source flocks and exposed animals.

(f) The flock owner or his or her agent shall make animals in the flock and records required to be kept under paragraph (d) of this section available for inspection by Veterinary Services representatives and State representatives, given reasonable prior notice.

(g) Upon request of a Veterinary Services representative, the flock owner or his or her agent will have an accredited veterinarian collect and submit tissues from animals reported in accordance with paragraph (b) of this section to a laboratory designated by a Veterinary Services representative.

§ 79.3 Designation of scrapie-positive animals, source flocks, and infected flocks; notice to owners; publication.

(a) A Veterinary Services representative or State representative will determine an animal to be a scrapie-positive animal after determining that the animal has been diagnosed with scrapie in accordance with the definition of a scrapie-positive animal in § 79.1. A Veterinary Services representative or State representative will determine a flock to be a source flock after reviewing sale, movement, and breeding records that indicate the flock meets the definition of a source flock. A Veterinary Services representative or State representative will determine a flock to be an infected flock after determining that a scrapie-positive animal is in the flock.

(b) As soon as possible after making such a determination, a Veterinary Services representative or State representative will attempt to notify the owner of the flock in writing that the flock contained a scrapie-positive animal, or is an infected flock, or source flock.[2] The notice will include a description of the interstate movement restrictions and identification requirements contained in this part.

Done in Washington, DC, this 11th day of July 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91–16922 Filed 7–15–91; 8:45 am]

BILLING CODE 3410–34–M

[1] Flocks participating in the Voluntary Scrapie Flock Certification Program described in 9 CFR part 54 agree to follow the provisions of the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification" (the UM&R), which includes, among other requirements, the conditions described in this section. Individual copies of the UM&R may be obtained from the Administrator, c/o Sheep, Goat, Equine, Poultry, and Miscellaneous Diseases Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Hyattsville, MD 20782; or from the American Sheep Industry Association, Producer Services, 6911 S. Yosemite Street, Englewood, CO 80112–1414, telephone (303) 771–3500.

[2] A current list of flocks determined to be infected flocks or source flocks will be published in the **Federal Register** from time to time. This list may also be obtained from the Administrator, c/o Sheep, Goat, Equine, Poultry, and Miscellaneous Diseases Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Hyattsville, MD 20782.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Infant Cushions and Pillows Filled With Foam Plastic Beads or Other Granular Material

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing a rule to ban infant cushions or pillows filled with foam plastic beads or other granular material under the authority of the Federal Hazardous Substances Act ("FHSA"). Existing Commission regulations do not specifically address the risks of injury and death posed by this product. Labeling would not adequately reduce the risks of injury or death associated with the infant cushions. No design or performance criteria that would adequately reduce the risk are currently identifiable. No applicable voluntary standard exists or is under development.

DATES: Written comments in response to this notice must be received by the Commission by September 30, 1991.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland; telephone (301) 492–6800.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Wind, Ph.D., Director, Division of Poison Prevention and Scientific Coordination, Directorate for Health Sciences, Consumer Product

Safety Commission, Washington, DC 20207; telephone (301) 492–6477.

SUPPLEMENTARY INFORMATION:

A. Background

As of January 16, 1991, the Commission has identified a total of thirty-four incidents associated with the use of infant cushions or pillows filled with foam plastic beads or other granular material (hereinafter referred to as "infant cushions"). Thirty-two of these incidents were fatal, one resulted in brain damage, one did not result in injury.

These infant cushions (also known, among other names, as "baby bean bag pillows" or "bean bag cushions") vary in size, fabric, and other aspects of construction, but have certain fundamental elements in common. Generally, the cushions are constructed of a flexible fabric cover that encloses a loose granular material such as polystyrene foam beads or pellets. The cushions are capable of being flattened so a child can lie prone on the cushions, and are capable of conforming to the body or face of an infant. They are intended or promoted for use by children under one year of age. (See Reference No. 1.)

When the Commission's staff learned of the increasing number of incidents apparently connected with this product, the staff worked with product manufacturers to have them recall the infant cushions on the market. In March 1990, the Commission issued a warning to the public that infant cushions posed a potential suffocation hazard to infants. On April 19, 1990, the Chairman of the Commission announced that six manufacturers had agreed to recall their products and to cease future production of the cushions. On April 30, 1990, the Commission announced that five additional manufacturers had agreed to recall their products and to cease production. The Commission found that one previously identified manufacturer had gone out of business. Finally, in July 1990, the Commission identified an additional manufacturer, not previously known, that also agreed to recall its product and cease production. (See Reference No. 6.)

The recall and concurrent publicity have resulted in the removal of these cushions from the market and have informed many consumers of the risks associated with this product. However, the Commission is concerned that future production of the same or similar products will occur. The staff has received inquiries concerning future marketing of the product. Moreover, the infant cushions have a simple design and are easy to manufacture. Thus, on October 19, 1990, the Commission issued an advance notice of proposed rulemaking ("ANPR") announcing the Commission's intent to issue a rule addressing the risk of injury and death associated with infant cushions. 55 FR 42202 (1990). The ANPR stated that one possible result of the proceeding could be the promulgation of a rule banning infant cushions.

B. Statutory Authority

This proceeding is conducted pursuant to the Federal Hazardous Substances Act ("FHSA"), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(D) of the FHSA defines "hazardous substance" to include any toy or other article intended for use by children which the Commission determines, by regulation, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). An article may present a mechanical hazard if its design or manufacture presents an unreasonable risk of personal injury or illness during normal use or when subjected to reasonably foreseeable damage or abuse. 15 U.S.C. 1261(s).

Under section 2(q)(1)(A) of the FHSA, a toy, or other article intended for use by children, which is or contains a hazardous substance susceptible to access by a child is a "banned hazardous substance." 15 U.S.C. 1261(q)(1)(A).

A proceeding to promulgate a regulation determining that a toy or other children's article presents an electrical, mechanical, or thermal hazard is governed by the requirements set forth in section 3(f) through 3(i) of the FHSA. 15 U.S.C. 1262(e)(1)-(i). As provided in section 3(f), 15 U.S.C. 1262(f), the Commission has issued an ANPR. 55 FR 42202. After considering the comments submitted in response to the ANPR, the Commission is now publishing the text of the proposed rule along with a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. 15 U.S.C. 1262(h).

C. The Product

Approximately one million infant cushions were produced between 1985 and 1990, the bulk of which were produced between 1987 and 1990. The Commission has identified twelve firms that have manufactured infant cushions. The cushions vary in size and other features, but generally measure approximately 23 to 24 inches long, 11 to 18 inches wide, and 4 to 5 inches thick. The thickness changes with use of the cushion because the cushion is easily depressed as the filling materials shift. (See Reference Nos. 1 and 3.)

The Commission believes that the essential features of the cushions are as follows: The cushions (1) have a flexible fabric [1] covering; (2) are loosely filled with a granular material such as, but not limited to, polystyrene beads or pellets; (3) are easily flattened so that a child can lie prone on the cushion; (4) are capable of conforming to the body or face of an infant; and (5) are intended or promoted for use by children under one year of age. The Commission is proposing these five elements as the basis for a definition of the product. (See Reference No. 1.) Although some cushions have had additional features such as a cardboard stabilizer board, and waist and crotch restraining straps, these optional features are not essential to a definition of the product.

The promotional literature that accompanied many infant cushions contains pictures and descriptions that suggest uses and product characteristics. Common themes include: (1) Use for infants as well as older children (some cushions had age recommendations, all of which included young babies); (2) use by small children, often infants, when sleeping or napping in a crib or carriage; (3) use of the cushion by small children and infants as a prop in a shopping cart, stroller, or lap, or while feeding; (4) use by infants placed in a variety of positions—face up on the cushion, face down on the cushion, entirely on the cushion, and head and torso on the cushion. (See Reference No. 5.) Some cushions have displayed labels with safety messages. For instance, one such label stated:

WARNING—THIS QUALITY PRODUCT WAS DESIGNED FOR BABY'S COMFORT AND NOT AS A SAFETY DEVICE. NEVER LEAVE YOUR CHILD UNATTENDED. IF A TEAR OCCURS, REPAIR IMMEDIATELY.

At least eight incidents where a child was found dead lying face down on a cushion involved products which had labels warning never to leave child unattended.

The Commission's staff has concluded that the cushion is likely to be used most for infants less than six months of age. From birth to six months, children spend most of their time lying down or sitting supported since they cannot yet sit unsupported, crawl, climb, stand, or walk. For children in this age group, the cushion is likely to be used as a

[1] The Commission is proposing to define "fabric" with reference to the definition of that term in section 2(f) of the Flammable Fabrics Act: "any material * * * woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor * * *." 15 U.S.C. 1191(f).

mattress on which to sleep. In all incidents for which parental motivation could be established, parents stated that children were placed on the cushion to sleep. Often the product was used as a mattress in a bassinet, crib, or on a bed. (See Reference No. 5.)

The Commission's staff identified several aspects of the product—such as its size, shape, promotional literature, and its similarity to a bed pillow—that would tend to lead to its use as a mattress. The cushions may also be used to confine infants, who normally sleep in cribs, to a regular bed to keep them from rolling off the bed. When the cushion is used as a mattress or to confine an infant to a bed, the infant is likely to be placed stomach down, and left unattended. (See Reference No. 5.)

Approximately 1 million of these cushions were manufactured and sold. Based on an average use of six months per child in an average family of two children, total exposure to these products is likely to be about 1 million product years of intermittent use. The cushions range in price (retail) from $8 to $40, averaging $16.25, for total retail revenues of approximately $15.6 million from the product. (See Reference Nos. 3 and 11.)

D. Risks of Injury and Death

This proceeding is concerned with unreasonable risks of injury and death which may occur when a child is placed on an infant cushion. The Commission has identified thirty-four incidents involving these cushions since September of 1987. Of these incidents, thirty-two resulted in death, one in brain damage, and one (of a child under the cushion), reported as a near suffocation, did not result in injury. (See Reference No. 10.) The actual number of incidents involving infant cushions may be higher than thirty-four as infant cushions may also have been involved in unreported incidents in which the cause was identified as sudden infant death syndrome ("SIDS") with no indication that an infant cushion was involved. See discussion below.

Of the thirty-four reported incidents, all but two of the victims were less than 4 months of age.[2] In almost all of the cases where the infant's position could be determined, the infant was in a prone, stomach down, position. (See Reference No. 5.) Often the cushion was used on a bed, crib, or bassinet. Although a newborn infant lying on its stomach may be able to lift its head from a firm mattress surface and turn it to the side, such movement may not be possible on the softer, conforming cushion.

Even though infants can roll over at an early age (according to one study, approximately fifty percent of children 2½ months old can roll completely in any direction on a firm surface), they may not do so to avoid suffocation. (See Reference No. 5.) An infant's reflex actions to avoid smothering may be likely to fail due to the conforming properties of the cushion. While struggling to lift or turn his head, the infant would be likely to bury the head deeper. Moreover, as many as 50% of newborns and 30% of 3-month-old infants are unable to breathe through their mouths. Therefore, occlusion of the nose would be sufficient to cause a suffocation. (See Reference No. 8.)

When the cushion is used as a mattress, the infant is likely to be left unattended. However, even if an adult were in the room, he or she may not realize that the child is suffocating on the cushion. Fatal incidents have occurred while a caretaker or monitoring device was present in the same room as the infant.

The Commission's staff has identified the following factors that may be involved in deaths and injuries associated with infant cushions.

(1) Pediatricians and other medical experts have traditionally cautioned against using pillows in cribs or beds where infants sleep, due to possible respiratory obstruction. Pillows can increase the respiratory resistance 30 to 40 fold.

(2) Wet fabric will further increase breathing resistance. A pillow or cushion may become wet because an infant's reflex action to suffocation is to mouth the obstruction and infants have a tendency to drool.

(3) As many as 30–50% of infants three months of age or less are reported to be unable to breathe through their mouths if their nasal passages are obstructed.

(4) Hyperthermia (overheating), due to excessive clothing or bedding, can increase an infant's need for oxygen and stimulate rapid breathing. Decreased ability for evaporative cooling occurs when a prone infant's face is buried in compressible bedding.

(5) Infants lying prone with their faces in soft, compressible bedding may be susceptible to rebreathing, which occurs when exhaled carbon dioxide is trapped around the infant's face displacing oxygen and causing the baby to breathe decreased levels of oxygen. (See Reference Nos. 7 and 8.)

In most of the thirty-two fatal cases reported, the deaths associated with infant cushions were reported as being due to SIDS, which is currently considered the most common cause of death for infants 28 days to 12 months in age. SIDS is a diagnosis by exclusion, generally defined as any sudden death of an infant or young child that is unexpected by history and in which a thorough autopsy fails to identify an adequate cause of death. An autopsy would not differentiate between SIDS and suffocation.

A diagnosis of SIDS and involvement of an infant cushion are not mutually exclusive. Researchers have found that in many cases SIDs victims were recovering from respiratory infections or had other breathing problems. If the respiratory function of some SIDS-prone infants is already compromised, any additional respiratory effort induced by lying prone on an infant cushion could further contribute to their inability to breathe normally. Some researchers have noted an association between SIDS and the prone sleeping position. (See Reference No. 4.) Three recent medical studies examined the possible mechanism for infant suffocation on infant cushions. The authors found that:

(1) An infant's head movement to obtain fresh air could be restricted by the pocket formed in the soft and malleable cushions;

(2) This type of soft and malleable bedding can create a very hazardous environment, due to low levels of oxygen and high levels of carbon dioxide, for an infant in a face-down position; and

(3) The low oxygen levels could become lethal if maintained for any period of time due to the infant's rebreathing of trapped air. (See Reference No. 12.)

Based on the above information, the staff believes that it is likely that infant cushions were a significant factor in these infant deaths. (See Reference No. 8.)

E. Responses to the ANPR

The Commission received three comments in response to the ANPR. The President of the Emergency Nurses Association wrote to encourage the Commission to issue a rule banning infant cushions, referring to the number of deaths and the age and vulnerability of the victims to support this view. The

[2] These two incidents involved older infants and were somewhat unusual. The oldest victim, who was 9 months old, had broken collar bones which may have impaired his movement and contributed to his death. The Commission received one report of an incident, not resulting in injury, in which a 4 month old was found underneath an infant cushion. The infant had been in the crib with the cushion, but not on top of the cushion.

second comment received by the Commission was a letter from a woman whose baby had died on an infant cushion. She urged the Commission to ban the infant cushions in the hope that no more deaths would occur with this product.

The third comment received by the Commission came from the President of Flexi-Mat Corporation, a manufacturer of bedding products for dogs and cats. He expressed the concern that a young child could be placed (possibly by a sibling) on a pet bed and that this could present a risk similar to that posed by infant cushions. He suggested that all manufacturers of cushions that use styrene beads, whether for human or animal use, be warned that their product poses a potential safety problem. The manufacturers could then place warning labels on their products. He compared this action to the placement of warnings on polyethylene bags to keep them out of the reach of children due to a potential asphyxiation hazard.

While such a warning label on pet bedding may be beneficial, the Commission does not currently have sufficient information about the risk that these products may present. The thirty-four incidents of which the Commission is aware all occurred on cushions intended for children. Thus, the proposed rule addresses only cushions that meet the proposed definition of an infant cushion which includes intended use by, or promotion for the use of, a child under one year of age. The Commission is currently investigating the broader problem of infant suffocations that may be associated with a number of consumer products. Any information on the risk posed to infants by pet bedding would be investigated as part of this larger project.

To the extent that this comment was suggesting that labeling of infant cushions could address the risk associated with this product, the staff's analysis, discussed below, indicates that labeling would not be adequate.

F. The Proposed Ban

The Commission is proposing to ban infant cushions. Although a voluntary recall has removed these products from the market for the present time, the Commission is concerned that, in the absence of a rule banning them, they could reappear on the market.

The proposed rule would ban cushions that:

(1) Have a flexible fabric covering;

(2) Are loosely filled with a granular material such as, polystyrene beads or pellets;

(3) Are easily flattened so that a child can lie prone on the cushion;

(4) Are capable of conforming to the body or face of an infant; and

(5) Are intended or promoted for use by children under one year of age.

The potential benefits and costs of the proposed ban are discussed below in the preliminary regulatory analysis. The analysis concludes that the potential costs to businesses are expected to be offset by production of other products and the potential costs to consumers are likely to be offset by the availability of substitutes. The benefits of a ban are between two and three lives saved annually, assuming a production level of 250,000.

G. Alternatives

The Commission has considered other alternatives to reduce the risks of injury and death related to infant cushions. One alternative is labeling the cushions. This would allow the manufacture and distribution of some cushions. The Commission does not believe, however, that any form of labeling would have a significant effect in preventing the hazard associated with infant cushions.

Some cushions on the market had safety labels and promotional material with this or a similar message:

WARNING—NEVER LEAVE YOUR CHILD UNATTENDED.

The Commission's staff found several problems with these safety messages. The messages were not conspicuous, but were attached next to a typical mattress/pillow tag. The labels were not written in safety labeling format, and were difficult to read because they used all capital letters and were not divided into word clusters. The warning labels did not identify the hazard (infants under 6 months lying face down), or the consequences of not following instructions (suffocation). The message not to leave the child unattended was contrary to the traditional use of a cushion, namely to sleep on it, unattended. The products' promotional material contained pictures of babies, apparently unattended, on the cushion. The juxtaposition of this warning concerning unattended babies with a statement that tears should be repaired immediately added to confusion because it misdirects attention from the suffocation hazard.

The Commission does not believe that even appropriate labeling of these infant cushions would effectively avoid or reduce the risk to infants. First, even use in accordance with a label may not be safe. For example, parents might place the child face up on the cushion, or remain in the same room with the child or use a monitor in the child's room. However, fatalities have occurred when the child evidently rolled over on the cushion and when the caretaker or a monitor was in the room. (See Reference No. 5.)

Secondly, the Commission is concerned that a label on or with the infant cushions may not be read and/or followed due to consumers familiarity with the same or a similar product, and because of the simplicity of the product. The cushions are similar to bed pillows which are familiar and which most people generally consider to be non-hazardous. Thus, consumers would likely perceive the cushions as having a low hazard rating. The cushions are also simple to use. Because parents of a newborn infant may be eager to seek information about baby products, however, they may be more likely than other consumers to notice and read labels. (See Reference No. 5.)

Labels on infant cushions may contradict a consumer's existing view that pillows are not hazardous, reducing the likelihood that a label would be followed. The belief that an infant can turn its head from side to side and roll over may further diminish a consumer's appreciation of the hazard of suffocation. An instruction that an infant should never lie on its stomach on the cushion also contradicts existing belief that babies should be placed on their stomachs to avoid the possibility of choking on vomit. Moreover, as a consumer uses the cushion without incident, the perception of hazard may decrease. With the hazard of suffocation, there is rarely a warning of a "near-miss" which would raise the hazard perception for "next time." (See Reference No. 5.) Additionally, the perceived cost of complying with the label or instructions (that is, the time and effort required to follow the label instructions) may be high because the instructions must be followed throughout the product's use.

The Commission is not aware of any voluntary standards in effect or under development that apply to this product. The Commission has learned of two British standards (developed by the British Standards Institute) for similar, but not identical, products. The first standard, BS 4578:1970 (adopted by the British Standards Institute in 1970 and readopted in 1985 without changes) is a voluntary standard for small infant pillows. The standard specifies requirements for hardness (depth of depression) and permeability to air. It also requires that any pillow which is to be used as "a pram-support pillow, or in a cot" must have a label stating that it is

not recommended that very young infants lie on the pillow. Commission staff have been informed that, since the standard became effective, infant pillows have disappeared from the market in Great Britain.

The second standard, BS 6595 (adopted by the British Standards Institute in 1984 and by the British Parliament), applies to "baby nests," which are papoose-like baby carriers. This is a mandatory standard that contains permeability requirements similar to, but more stringent than, those in the voluntary standard for infant pillows. (See Reference No. 9.)

The Commission staff believes that a standard similar to these British standards would not adequately reduce the risk of injury associated with infant cushions. Because other factors may be involved in the incidents with infant cushions, it is unlikely that these standards, as currently written, would adequately address the problem. Although the British standards identify product properties that are relevant to this issue (permeability of the product and depth of depression produced by an infant's head), problems exist in attempting to adapt them to infant cushions. For example, the allowable depth of depression measured by the standards is variable and is related to the thickness of the product rather than the depth that would significantly affect an infant's breathing. Also, the specified test equipment is not sensitive enough to measure consistently in the pressure range necessary to evaluate the permeability of the cushions. (See Reference No. 13.)

The three recent studies mentioned earlier in this notice focus on the infant's rebreathing of air that is trapped in the depression of the cushion. While these studies suggest that it may be possible in the future to develop a test method related to this rebreathing mechanism, insufficient information exists at this time to identify performance or design criteria that would result in a "safe" cushion, that is, one that does not present the identified risk of injury. One of the key characteristics of infant cushions is their ability to conform to an infant's face or body. At the current time, the Commission staff cannot define a degree of conformity that would be safe. Thus, the Commission concludes that a ban of infant cushions, as defined, is the least burdensome alternative that would eliminate or adequately reduce the risk of injury.

H. Preliminary Regulatory Analysis

Introduction

The Commission has preliminarily determined to ban infant cushions. Section 3(h) of the FHSA requires the Commission to prepare a preliminary regulatory analysis containing:

(1) A preliminary description of the potential benefits and potential costs of the proposed regulation, including any benefits or costs that cannot be quantified in monetary terms, and an identification of those likely to receive the benefits and bear the costs;

(2) A discussion of the reasons any standard or portion of a standard submitted to the Commission under subsection (f)(5) of the FHSA was not published by the Commission as the proposed regulation or part of the proposed regulation;

(3) A discussion of the reasons for the Commission's preliminary determination that efforts proposed under subsection (f)(6) of the FHSA assisted by the Commission as required by section 5(a)(3) of the Consumer Product Safety Act would not, within a reasonable period of time, be likely to result in the development of a voluntary standard that would eliminate or adequately reduce the risk of injuries identified in the notice provided under subsection (f)(1); and

(4) A description of any reasonable alternatives to the proposed regulation, together with a summary description of their potential costs and benefits, and a brief explanation of why such alternatives should not be published as a proposed regulation.

15 U.S.C. 1261(h). The following discussion addresses these requirements.

Potential Benefits of the Proposed Rule

The benefits of a ban on infant cushions result from the avoidance of future infant deaths and injuries. The staff is aware of thirty-two reported fatalities and one injury associated with the cushions. Approximately one million infant cushions were produced between 1985 and 1990. Based on this information, infant cushions pose a risk of approximately 10.5 fatalities per million products in use. The Commission does not ascribe a particular monetary value to life. However, if for purposes of analysis, a statistical value of $2 million is assigned for each death, the estimated benefit associated with the avoidance of future fatalities averages about $21.00 per product unit. Commission staff applies this statistical value of $2 million based on several studies that support that value as a mean or median. Based on a peak yearly production level of 250,000 infant cushions, total annual benefits would be approximately $5 million.

Potential Costs of the Proposed Rule

The costs associated with banning infant cushions would fall on both consumers and businesses. The proposed regulation would not have an immediate impact on businesses beyond that of the voluntary product recall. However, the "future profits forgone" may be considered an impact that would affect firms that would consider future production of infant cushions. It is impossible to determine the potential level of production if no ban is promulgated. There is some evidence that these cushions would be re-introduced, given that the Commission staff has received several inquiries about producing infant cushions and two producers have submitted prototype samples to the staff for comment.

The production of infant cushions is not capital intensive; it does not require use of expensive machinery and equipment that could only be used for the production of this particular product. Therefore, resources that would have been devoted to the production of infant cushions would be available for the production of other products. Any impact on future profits forgone may thus be offset by the flow of resources into alternative production.

The cost of a ban on infant cushions to consumers may be measured by the loss of use of the product. The value of this loss is the utility of the product, at least equal to the price paid by the consumer, which ranged between $8 and $40. However, the existence of close substitute products in this price range may offset potential loss in consumer utility. For example, certain types of infant carriers that hold an infant in a propped-up position, similar to a car seat, provide a similar function and range in price between $16 and $40. Since the Commission is not aware of a risk of suffocation death associated with these carriers, and their price range is similar, the substitution of these products for infant cushions should not adversely affect consumer utility. Up to an additional $21 (the expected benefit of a ban) may be spent on each substitute product, without an adverse impact on consumer utility.

In summary, the potential costs of a ban to businesses are expected to be offset by the flow of resources into other product lines, and the potential loss in consumer utility should largely be offset by the availability of close substitutes in the same price range. If this is the case, then the expected overall benefit of a ban may approach $5 million per year, assuming infant cushions are produced at a level of 250,000. It may therefore be concluded that banning future production of infant cushions will have overall benefits resulting from the avoidance of future infant deaths.

Existing or Developing Standards Submitted in Response to ANPR

No existing voluntary standards were submitted in response to the ANPR. Nor were any proposals to develop such a standard submitted to the Commission. The Commission is not aware of any existing or developing voluntary standards applicable to this product. The British standards discussed above are not applicable to infant cushions.

Alternatives Considered

As discussed above, the Commission considered the alternatives of labeling and of developing design or performance criteria, and concluded that neither of these options would adequately reduce the risk of injury and death associated with infant cushions. The Commission finds that a label is unlikely to adequately reduce the associated risk of injury. Even use according to instructions on a warning label may present risks. The likely effectiveness of a label is also reduced due to consumer's familiarity with this or similar products, the consumer's likely perception that infant cushions and similar products present a low hazard, and the perceived high cost of complying with the label's instructions.

The Commission also finds that at this time no feasible performance or design criteria could be developed that would eliminate or adequately reduce the risk. A significant characteristic of the cushions is their ability to conform to the infant. No "safe" degree of conformity has been identified.

I. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, agencies are generally required to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities, unless the head of the agency certifies that the rule will not, if promulgated, have a significant effect on a substantial number of small entities. Because no infant cushions are currently on the market and future profits forgone could likely be offset by production of other products, the Commission certifies that no significant adverse impact on a substantial number of small firms or entities would result from the proposed rule.

J. Environmental Considerations

Commission actions ordinarily have little or no potential to affect the human environment. See 16 CFR 1021.5. The Commission does not foresee that this proposed rule would involve any unusual circumstances that might alter this assessment. Thus, the Commission concludes that no environmental assessment or environmental impact statement is required in this proceeding.

K. Effective Date

The rule will become effective thirty (30) days from publication of the final rule in the **Federal Register** and will apply to infant cushions in the chain of distribution on or after that date. The Commission believes that this effective date is appropriate given that all twelve manufacturers of existing infant cushions have already voluntarily withdrawn the cushions from the chain of distribution.

List of Subjects in 6 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, and Toys.

Conclusion

For the reasons given above, the Commission preliminarily concludes that the infant cushions described in the rule proposed below are hazardous substances, under section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D), in that they are intended for children and present a mechanical hazard because their design or manufacture presents an unreasonable risk of injury, 15 U.S.C. 1261(s), in that the benefits bear a reasonable relationship to the costs of the ban. Further, it appears that the rule proposed below is the least burdensome alternative that will adequately reduce the risk.

Therefore, under the authority of section 2(f), (q)(1)(A), and (s) and section 3(e)–(i) of the Federal Hazardous Substances Act, 15 U.S.C. 1261(f), (q)(1)(A), and (s), 1262(e)–(i), the Commission proposes to amend title 16 of the Code of Federal Regulations as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1276.

2. Section 1500.18 is amended to add a new paragraph (a)(16) to read as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) * * *

(16) Any article known as an "infant cushion" or "infant pillow," and any other similar article, which has all of the following characteristics:

(i) Has a flexible fabric covering. The term "fabric" includes those materials covered by the definition of "fabric" in section 2(f) of the Flammable Fabrics Act, 15 U.S.C. § 1191(f).

(ii) Is loosely filled with a granular material, including but not limited to, polystyrene beads or pellets.

(iii) Is easily flattened.

(iv) Is capable of conforming to the body or face of an infant.

(v) Is intended or promoted for use by children under one year of age.

Dated: July 8, 1991.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Reference Documents

The following documents contain information relevant to this rulemaking proceeding and are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland:

1. Memorandum from Margaret Neily, ESME, to Frank Brauer, EXPB, dated June 19, 1990, entitled Suggested Definition of Infant Bean Bag Cushion/Pillows.

2. Memorandum from James Eisele, EPHA, to Frank E. Brauer, EXPB, dated August 17, 1990, entitled "Bean Bag" and Other Pillow Incidents Reported.

3. Memorandum from William W. Zamula, ECSS and Anthony C. Homan, ECPA, to Frank E. Brauer, EXPB, dated July 19, 1990, entitled Infant Pillows.

4. Memorandum from Sharee Pepper, HSPS, to Frank Brauer, Project Manager, PSA Team, dated June 29, 1990, entitled PSA Request No. 5355.

5. Memorandum from Shelley Waters Deppa, EPHF, to Frank E. Brauer, EX–PM, dated July 9, 1990, entitled Infant Bean Bag Cushion.

6. CPSC Press Releases No. 90–42, dated March 6, 1990; Nos. 90–73, 90–74, 90–77 through 90–81, dated April 19, 1990; Nos. 90–83 through 90–89, 90–90, dated April 30, 1990; and No. 90–127, dated July 17, 1990.

7. Memorandum from Frank E. Brauer and Cathy Downs, EXPB, to the Commission, dated July 20, 1990, entitled Infant Cushions/Pillows: Recommendation.

8. Memorandum from Sharee Pepper, HSPS, to Frank Brauer and Cathy Downs, EXPB, dated July 31, 1990, entitled Infant suffocation and bean bag pillows.

9. Memorandum from Margaret Neily, ESME, to Frank E. Brauer, EXPB, dated August 15, 1990, entitled Summary of British Standards Related to Infant Bean Bag Hazards.

10. Memorandum from Robert E. Frye, Director, EPHA, to Marilyn Wind, HSPS, dated January 24, 1991, entitled Infant Cushion Related Incidents Reported to CPSC

11. Memorandum from Mary F. Donaldson, ECSS, to Marilyn Wind, Director, HSPS, dated January 31, 1991, entitled Economic Analysis of Proposed Ban on Infant Cushions.

12. Memorandum from Sharee Pepper, Ph.D., Physiologist, HSPS, to Marilyn L.

Wind, Ph.D., Project Manager, HSPS, dated April 24, 1991, entitled Literature Review Update for Infant Bean Bag Cushions.

13. Memorandum from Margaret L. Neily, ESME, to Marilyn L. Wind, Director, HSPS, dated March 26, 1991, entitled Technical Feasibility of Developing a Standard for Infant Cushions and Adequacy of Existing Standards—Update.

[FR Doc. 91-16797 Filed 7-15-91; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

Privacy Act of 1974; Records Maintained on Individuals

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission") proposes to exempt a new system of records from certain provisions of the Privacy Act of 1974, 5 U.S.C. 552a ("Privacy Act"), to the extent the system contains investigatory material pertaining to the enforcement of criminal laws or compiled for law enforcement purposes. The system of records, entitled "Office of the Inspector General Investigative Files," includes the investigative files of the Commission's Office of the Inspector General ("OIG"). This new system of records is added to the Commission's system of records in an accompanying notice.

DATES: Comments must be received on or before August 15, 1991.

ADDRESSES: Comments should be submitted to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Judith A. Ringle, Esq., Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone (202) 254-7110.

SUPPLEMENTARY INFORMATION: Elsewhere in today's issue of the **Federal Register**, the Commission is establishing a new system of records under the Privacy Act of 1974. The system, entitled Office of the Inspector General Investigative Files, contains investigatory material compiled for law enforcement purposes.

The Commission proposes to exempt this new system of records from specified provisions of the Privacy Act. Section (j)(2) of the Privacy Act provides that the head of an agency may promulgate rules to exempt any system of records within the agency from any part of section 552a except subsections (b), (c)(1), and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i), provided that the system of records is maintained by "the agency or component thereof which performs as its principal function any activity pertaining to enforcement of criminal laws" and includes: "(A) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision." Section 552a(k)(2) of the Privacy Act also provides that the head of an agency may promulgate rules to exempt any system of records within the agency from sections 552a (c)(3), (d), (e)(1), (e)(4) (G) through (I), and (f) of the Act, if the system of records is "investigatory material compiled for law enforcement purposes."

If a system of records is not exempted from these sections, the Privacy Act generally requires the agency to: Make an accounting of disclosures to the individual named in the record at their request; permit individuals access to their records; permit individuals to request amendment to their records; maintain only necessary or relevant information in its system of records; publish certain information in the **Federal Register**; and promulgate rules that establish procedures for notice and disclosure of records. The exemptions that may be asserted with respect to investigatory systems of records permit an agency to protect information when disclosure would interfere with the conduct of the agency's investigations.

Exemptions under sections 552a (j)(2) and (k)(2) are necessary to maintain the integrity and confidentiality of the investigative files. Disclosure of information in these investigatory files or disclosure of the identity of confidential sources would seriously undermine the effectiveness of the Inspector General's investigations and put confidential sources at risk. Knowledge of such investigations also could enable suspects to take action to prevent detection of criminal activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to intimidation of, or harm to, informants, witnesses, investigative personnel and their families. The imposition of certain restrictions on the manner in which information is collected, verified or retained could significantly impede the effectiveness of OIG investigations and could preclude the apprehension and successful prosecution of persons engaged in fraud or criminal activity.

OIG Investigative Files will contain information of the type described in the (j)(2) and (k)(2) exemptions to the Privacy Act. The Inspector General Act, as amended, 5 U.S.C. app. 3, authorizes OIG to conduct investigations to detect fraud and abuse in the programs and operations of the Commission and to assist in the prosecution of participants in such fraud or abuse. OIG will maintain information in this system of records pursuant to its law enforcement and criminal investigation functions. Further, the (j)(2) and (k)(2) exemptions will be narrowly applied so that only records pertaining to law enforcement and criminal investigative matters will be covered.

In connection with the establishment of the system of records containing OIG Investigative Files, the Commission proposes to amend 17 CFR part 146 by adding a new section, 17 CFR 146.13, Inspector General Exemptions, pursuant to 552a (j)(2) and (k)(2) of the Privacy Act.

Regulatory Flexibility Act:

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires agencies to consider the impact of proposed rules on small entities. It is not anticipated that these proposed rules would impose any new burden on small entities. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, would not have a significant economic impact on a substantial number of small entities. The Commission further finds that the proposed rule does not qualify as a "major rule" under Executive Order No. 12291 since it will not have an

annual effect on the economy of $100 million or more.

List of Subjects in 17 CFR Part 146

Privacy Act.

For the reasons set out in the preamble, it is proposed to amend part 146 of Chapter I of title 17 of the Code of Federal Regulations as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

1. The authority citation for part 146 continues to read as follows:

Authority: Public Law 93–579, 88 Stat. 1896 (5 U.S.C. 552a); sec. 101(a), Pub. L. 93–463, 88 Stat. 1389 (7 U.S.C. 4a(j)).

2. Section 146.13 would be added as follows:

§ 146.13 Inspector General exemptions.

(a) Pursuant to section (j) of the Privacy Act of 1974, the Commission has deemed it necessary to adopt the following exemptions to specified provisions of the Privacy Act:

(1) Pursuant to, and limited by 5 U.S.C. 552a(j)(2), the system of records maintained by the Office of the Inspector General of the Commission that contains the investigative files shall be exempted from the provisions of 5 U.S.C. 552a (except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i)) and from 17 CFR 146.3, 146.4, 146.5, 146.6 (b), (d), and (e), 146.7 (a), (c) and (d), 146.8, 146.9, 146.10, 146.11(a) (7), (8) and (9), insofar as the system contains information pertaining to criminal law enforcement investigations.

(b) Pursuant to section (k) of the Privacy Act of 1974, the Commission has deemed it necessary to adopt the following exemptions to specified provisions of the Privacy Act:

(1) Pursuant to, and limited by 5 U.S.C. 552a(k)(2), the system of records maintained by the Office of the Inspector General of the Commission that contains the investigative files shall be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) and from 17 CFR 146.3, 146.4, 146.5, 146.6(d), 146.7(a), 146.8, 146.9, 146.11(a) (7), (8) and (9), insofar as it contains investigatory materials compiled for law enforcement purposes.

Issued in Washington, DC, on July 10, 1991 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–16848 Filed 7–15–91; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 85N–0280]

Automated Differential Cell Counter; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposed rule that would have required the filing of a premarket approval application or a notice of completion of a product development protocol for the automated differential cell counter (ADCC). FDA issued a final rule classifying from class III (premarket approval) into class II (performance standards) the ADCC when intended to flag or identify specimens containing abnormal blood cells.

The reclassification was based on new information regarding the device contained in a reclassification petition submitted by the Health Industry Manufacturers Association (HIMA). ADCC devices intended for other uses, including to count or classify abnormal cells of the blood continue to remain in class III.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 20, 1985 (50 FR 48058), FDA issued a proposed rule to establish the effective date of the requirement for premarket approval for the marketed preamendments generic type of ADCC device. (See 21 CFR 864.3(a).) Further, FDA announced an opportunity for interested persons to request the agency to change the classification of the device based on new information.

On November 27, 1985, HIMA submitted to FDA under section 515(b) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)) a petition to reclassify the generic type of ADCC device, from class III into class II. Consistent with the act and the regulations, FDA referred the petition to the Hematology and Pathology Devices Panel (the Panel) for its recommendation on the change in classification requested by the petitioner. Subsequently, during an open meeting of the Panel on April 24 1986, the Panel recommended that the ADCC be reclassified from class III into class II. The Panel based its recommendation on the belief that the controls of class II are sufficient to provide reasonable assurance of the safety and effectiveness of the ADCC. Accordingly, in the **Federal Register** of December 15, 1986 (51 FR 44924), FDA announced its intent to initiate a proceeding to reclassify the ADCC from class III into class II.

Thereafter, in the **Federal Register** of April 5, 1989 (54 FR 13698), in a refinement of the Panel's recommendation, FDA published a proposed rule to reclassify from class III into class II the ADCC intended to flag or identify specimens containing abnormal blood cells and continue the class III classification of the ADCC intended for other uses. Interested persons were given until June 5, 1989, to submit comments. FDA received one comment which agreed with the proposed reclassification.

In the **Federal Register** of June 8, 1990 (55 FR 23510), FDA issued a final rule reclassifying from class III into class II the ADCC intended to flag or identify specimens containing abnormal blood cells. FDA also announced that the agency no longer believes that it should give a high priority to establishing an effective date of the requirement for premarket approval for the ADCC intended for uses other than to flag or identify specimens containing abnormal blood cells. (See FDA's notice published on January 6, 1989 (54 FR 550), announcing the agency's priorities for initiative proceedings to require premarket approval for 31 devices.) FDA believes that no ADCC devices intended for class III uses are currently in commercial distribution.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sections 513, 701(a) (21 U.S.C. 360c, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the proposed rule establishing the effective date of the requirement for premarket approval for marketed preamendments ADCC devices which published in the **Federal Register** on November 20, 1985 (50 FR 48058) is withdrawn.

Dated: July 10, 1991.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–16923 Filed 7–15–91; 8:45 am]

BILLING CODE 4160–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-7026]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
NEW JERSEY	
Edgewater Park (Township) Burlington County	
Delaware River:	
At downstream corporate limits	*11
At upstream corporate limits	*11
Maps available for inspection at the City Hall, 400 Delanco Road, Edgewater Park, New Jersey.	
Send comments to The Honorable Vincent R. Farras, Mayor of the Township of Edgewater Park, Burlington County, 400 Delanco Road, Edgewater Park, New Jersey 08010.	
Tabernacle (Township) Burlington County	
Friendship Creek:	
Approximately 50 feet downstream of downstream corporate limits	*53
At confluence of Bread and Cheese Run	*67
Bread and Cheese Run:	
At confluence with Friendship Creek	*67
Just downstream of Red Lion Road	*88
Maps available for inspection at the Township Building, Tabernacle, New Jersey.	
Send comments to Ms. Lorraine Schmierer, Chief Financial Officer for the Township of Tabernacle, Burlington County, 163 Carranza Road, Tabernacle, New Jersey 08088.	
OKLAHOMA	
Bethel Acres (Town), Pottawatomie County	
Squirrel Creek:	
Approximately 0.7 mile upstream of 13th Street	*1,006
Approximately 1,500 feet upstream of Waco Road	*1,032
North Canadian River (Lower Reach):	
Approximately .4 mile northwest of intersection of U.S. Routes 270 & 177 and Hardesty Road	*997
At northeastern corporate limit	*1,000
Shallow Flooding Area: West of intersection of Hardesty Road & 13th Street	#1
Maps available for inspection at the City Hall, Bethel Road, Bethel Acres, Oklahoma.	
Send comments to The Honorable Alfred Parsons, Mayor of the Town of Bethel Acres, Pottawatomie County, P.O. Box 1906, Bethel Acres, Oklahoma 74802.	
Pink (Town) Pottawatomie County	
Little River:	
Approximately 1 mile downstream of confluence with Pecan Creek	*960
Approximately .42 mile upstream of confluence with Spring Creek	*970
Pecan Creek:	
At confluence with Little River	*966
Approximately 1.8 miles upstream of confluence of Bullfrog Creek	*988
Bullfrog Creek:	
At confluence with Pecan Creek	*969
Approximately 3.7 miles upstream of confluence with Pecan Creek	*1,039
Maps available for inspection at the Town Hall, Ok Road, 1 mile south of Highway 9, Pink, Oklahoma, by contacting the Town Clerk for appointment at (405) 598-3815.	
Send comments to The Honorable Eugenia Sowder, Mayor of the Town of Pink, Pottawatomie County, Route 3, Box 202, Tecumseh, Oklahoma 74873.	
Pottawatomie County (Unincorporated Areas)	
North Canadian River (Upper Reach):	
Approximately 4.2 miles downstream of the confluence of Wynnewood Creek	*1,044
Approximately 1.8 miles upstream of State Route 102	*1,063
North Canadian River (Lower Reach):	
Approximately .5 mile downstream of State Route 3	*978
Approximately 1,400 feet upstream of West Highland Street	*1,003
Tributary No. 2 to North Canadian River:	
Approximately .6 mile upstream of confluence with North Canadian River	*1,005
Approximately 325 feet upstream of the Missouri-Kansas-Texas Railroad	*1,017
Little River:	
Approximately 3.6 miles upstream of State Highway 102 Bridge	*960
Approximately 4.3 miles upstream of State Highway 102 Bridge	*964
Rock Creek:	
Approximately 1,450 feet upstream of confluence with North Canadian River	*943
Approximately 1,750 feet upstream of confluence of Tributary No. 2 to Rock Creek	*960

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary No. 2 to Rock Creek:	
At confluence with Rock Creek	*958
At Interstate Route 40	*973
Tributary No. 3 to Rock Creek:	
At Confluence with Tributary No. 2 to Rock Creek	*965
Approximately 2,000 feet upstream of Interstate Route 40	*972
Squirrel Creek:	
Approximately 60 feet downstream of Hardesty Road (extreme crossing)	*987
Approximately .5 mile downstream of Waco Road	*1,024
Pecan Creek:	
Approximately 1,700 feet upstream of confluence with Little River	*966

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1.25 miles upstream of confluence of Bullfrog Creek	*981
Shallow Flooding Area: West of intersection of U.S. Routes 270 & 177 and Hardesty Road	#1

Maps available for inspection at the County Courthouse, Shawnee, Oklahoma.

Send comments to Mr. Buck Day, Chairman of the Pottawatomie County Commissioners, 325 N. Broadway, Shawnee, Oklahoma 74801.

SOUTH CAROLINA

Barnwell County (Unincorporated Areas)

Jordan Branch:	
Just upstream of Galilee Road	*199
Just downstream of dam	*200
Just upstream of dam	*210
About 3,100 feet upstream of Main Street	*217

Maps available for inspection at the County Courthouse, Barnwell, South Carolina.

Send comments to The Honorable Peggy Rhinehart, County Administrator, Barnwell County, County Administration Building, Barnwell, South Carolina 29812.

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Dept in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Louisiana	St. Landry Parish, Unincorporated Areas.	Bayou Courtableau	Approximately 0.7 mile downstream of Missouri-Pacific Railroad.	None	*23
			At Town of Port Barre corporate limits	None	*26
		West Atchafalaya Floodway	At confluence of Bayou Courtableau	None	*25
			At upstream Parish boundary	None	*35
		Bayou Portage	At downstream Parish boundary	None	*20
			Approximately 10.6 miles upstream of State Route 741.	None	*22
Oklahoma	Sallisaw, City, Sequoyah County.	West Shiloh Branch	At West Shiloh Avenue	None	*490
			At County Road	None	*539
		Little Sallisaw Creek	Just downstream of Kansas City Southern Railroad.	*490	*488
			Just downstream of U.S. Route 64 (Cherokee Avenue).	*495	*492
		Hog Creek	Just upstream of Interstate Route 40	*494	*492
			Approximately 0.9 mile downstream of U.S. Route 59.	*521	*522
Pennsylvania	Dreher, Townshio Wayne County.	Wallenpaupack Creek	Approximately 100 feet downstream of the confluence of East Branch Wallenpaupack Creek.	*1,302	*1,301
			Approximately 425 feet downstream of Pine Grove Road.	*1,460	*1,459
Pennsylvania	Girardville, Borough Schuylkill County.	Mahanoy Creek	At Julia Street	*941	*939
			At confluence of Shenandoah Creek	*962	*961
		Shenandoah Creek	At confluence with Mahanoy Creek	*962	*961
			Approximately 980 feet upstream from confluence with Mahanoy Creek.	*967	*966

Maps available for inspection at the Courthouse Building, Court Street and Landry Street, Opelousas, Louisiana.

Send comments to Mr. Al Bihm, President of the St. Landry Parish Police Jury, P.O. Box 551, Opelousas, Louisiana 70571–0551.

Maps available for inspection at the City Engineer's Office, 111 N. Elm Street, Sallisaw, Oklahoma.

Send comments to The Honorable George Glenn, Mayor of the City of Sallisaw, Sequoyah County, P.O. Box C, Sallisaw, Oklahoma 74955.

Maps available for inspection at the Township Building, Route 191, Newfoundland, Pennsylvania.

Send comments to Mr. Ron Altemier, President of the Township of Dreher Council, Wayne County, P.O. Box 177, Newfoundland, Pennsylvania 18455.

Maps available for inspection at the Borough Hall, 4th and B Streets, Girardville, Pennsylvania.

Send comments to Mr. Joseph Wayne, President of the Girardville Borough Council, Schuylkill County, Borough Hall, 4th and B Streets, Girardville, Pennsylvania 17935.

Issued: July 9, 1991.

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–16870 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–03–M

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA–7027]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472. (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance coverage on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency management Agency, hereby certifies that the proposed modified flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with minimum Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
Arizona	Town of Marana, Pima County.	Santa Cruz River	Approximately 2,500 feet downstream of Trico-Marana Road.	None	*1,929
			At Trico-Marana Road	None	*1,937
			Approximately 7,400 feet upstream of Trico-Marana Road (At Marana Corporate Limits).	None	*1,957
			Just upstream of Sanders Road	*1,974	*1,981
			Approximately 200 feet downstream of San Dario Road.	*1,995	*1,995
			Approximately 4,400 feet downstream of Avra Valley Road.	*2,052	*2,054
			Approximately 5,500 feet upstream of Avra Valley Road.	*2,081	*2,083
			Approximately 150 feet upstream of Cortaro Road.	*2,148	*2,143
			Approximately 4,000 feet upstream of Ina Road.	*2,181	*2,178
		Coalescent Alluvial Fan Areas:.			
		Cochie Canyon East, Cochie Canyon West, or Unnamed Canyon.	Approximately 1,000 feet southwest of the northeast corner of Section 25, Township 11 South, Range 11 East.	None	#1
		Cochie Canyon East, Cochie Canyon West, Unnamed Canyon, or Wild Burro Canyon.	Approximately 2,000 feet north and 100 feet west of the southeast corner of Section 25, Township 11 South, Range 11 East.	None	#2
		Cochie Canyon East, Unnamed Canyon, Wild Burro Canyon, or Ruelas Canyon.	Approximately 2,000 feet northeast of the intersection of Tangerine Road and Frontage Road.	None	#2

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at Town Hall, 13251 North Lon Adams Road, Marana, Arizona.					
Send comments to The Honorable Ora Harn, Mayor, Town of Marana, Town Hall, 13251 North Lon Adams Road, Marana, Arizona 85653.					
California	City of Portola, Plumas County.	Middle Fork feather River	Approximately 0.5 mile downstream of Gulling Street.	None	*4,834
			At Gulling Street		*4,837
			Approximately 0.68 mile up-stream of Gulling Street		*4,845
Maps are available for review at City Hall, 47 Third Avenue, Portola, California.					
Send comments to The Honorable Joe Moctezuma, Mayor, City of Portola, City Hall, 47 Third Avenue, Portola, California 96122.					
Oklahoma	Shawnee, City, Pottawatomie County.	Squirrel Creek	At confluence with North Canadian River	*990	*987
			Approximately 1.4 miles downstream of Coker Road.	None	*1,007
		North Canadian River (Lower Reach).	Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad.	*983	*982
			Approximately 200 feet downstream of West Highland Street.	*1,000	*1,002
		Tributary No. 1 to North Canadian River.	At confluence with North Canadian River	*990	*987
			Approximately 1,650 feet upstream of confluence with North Canadian River.	*990	*989
		Rock Creek	Approximately 1,750 feet upstream of confluence of Tributary No. 2 to Rock Creek.	None	*960
			Approximately .5 mile upstream of confluence of Tributary No. 1 to Rock Creek.	None	*977
		Tributary No. 1 to Rock Creek	At confluence with Rock Creek	None	*973
			Approximately 100 feet upstream of West 45th Street.	*1,015	*1,016
		Tributary No. 2 to Rock Creek	Approximately 1,900 feet downstream of Interstate Route 40.	None	*967
			Approximately 1,000 feet upstream of Interstate Route 40.	*973	*976
		Tributary No. 3 to Rock Creek	At Interstate Route 40	*968	*971
			Approximately 0.9 mile upstream of 45th Street	None	*1,008
		Tributary No. 3 to Squirrel Creek.	At confluence with Squirrel Creek	None	*1,004
			At 13th Street	None	*1,004
		Shallow Flooding Area	North of 13th Street crossing of Squirrel Creek	None	#1
Maps available for inspection at the City Hall, 9th & Broadway, Shawnee, Oklahoma.					
Send comments to The Honorable Pierre F. Taron, Mayor of the City of Shawnee, Pottawatomie County, P.O. Box 1448, Shawnee, Oklahoma 74802–1448.					
Oklahoma	Tecumseh, City, Pottawatomie County.	Tributary No. 3 to Squirrel Creek.	At 13th Street	None	*1,004
			Approximately .6 mile upstream of confluence with Squirrel Creek.	*1,003	*1,004
		Squirrel Creek	Approximately 575 feet downstream of U.S. Routes 177 & 270.	None	*1,001
			Approximately 1,600 feet upstream of 13th Street.	None	*1,005
Maps available for inspection at the City Hall, 114 N. Broadway, Tecumseh, Oklahoma.					
Send comments to The Honorable Bill Cole, Mayor of the City of Tecumseh, Pottawatomie County, 114 BN. Broadway, Tecumseh, Oklahoma 74873.					
Texas	Arlington, City, Tarrant County.	Rush Creek	Approximately 150 feet west of Loch Chalet Court.	None	*491
		Hurricane Creek	At confluence with West Fork Trinity River	None	*474
			Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad.	None	*479
		Walnut Creek	At Holland-Watson-Britton Road	None	*544
			Approximately 2,700 feet downstream of Holland-Watson-Britton Road.	None	*539
		Johnson Creek	Approximately 800 feet downstream of Mayfield Road.	*639	*638
			Approximately 70 feet upstream of High Point Road.	*656	*657
		North Fork Fish Creek	At Arlington Webb Britton Road	None	*566
			Approximately 100 feet downstream of South Collins Street.	*618	*615
		Village Creek	Approximately 20 feet upstream of Randol Mill Road.	*485	*486
			Approximately 500 feet upstream of Randol Mill Road.	*487	*486

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
		Stream FC–1	Approximately 250 feet downstream of New York Avenue.	*556	*557
			Approximately 1.0 mile upstream of New York Avenue.	*585	*584
		Stream BB–1	Approximately 0.80 mile upstream of the confluence with Bowman Branch.	None	*600
			Approximately 0.85 mile upstream of the confluence with Bowman Branch.	None	602
		Rush Creek	Approximately 2,200 feet downstream of Green Oaks Boulevard.	*579	*580
			Approximately 1,100 feet downstream of Green Oaks Boulevard.	*581	*582
Maps available for inspection at the City Hall, 101 West Abram Street, Arlington, Texas.					
Send comments to The Honorable Richard Greene, Mayor of the City of Arlington, Tarrant County, P.O. Box 231, Arlington, Texas 76004–0231.					
Texas	Bedford, City, Tarrant County.	Stream SB–1	Approximately 175 feet upstream of confluence with Sulphur Branch.	*519	*520
			Approximately 50 feet downstream of Circle Lane.	*552	*551
Maps available for inspection at the City Hall, 2000 Forest Ridge, Bedford, Texas.					
Send comments to The Honorable Don Dodson, Mayor of the City of Bedford, Tarrant County, P.O. Box 157, Bedford, Texas 76095–0157.					
Texas	Benbrook, City, Tarrant County.	Clear Fork Trinity River	Approximately 0.47 mile upstream of Southwest Boulevard.	*609	*610
			Approximately 0.66 mile upstream of Interstate Route 20.	*613	*614
		Walnut Creek 2	Approximately 1,200 feet downstream of Union Pacific Railroad.	None	*649
			Approximately 500 feet downstream of confluence of Boaz Creek.	*663	*662
		Benbrok Lake	For the entire shoreline within the community	None	*715
		Willow Bend Creek	Approximately 240 feet downstream of Meadow Side Drive.	*639	*638
			At upstream side of Chapin Road	None	*716
Maps available for inspection at the Department of Community Development, 911 Winscott Road, Benbrook, Texas.					
Send comments to The Honorable Jerry Dunn, Mayor of the City of Benbrook, Tarrant County, P.O. Box 26569, Benbrook, Texas 76126.					
Texas	Blue Mound, City, Tarrant County.	Little Fossil Creek	At downstream corporate limits	*652	*651
			At upstream corporate limits	*666	*665
Maps available for inspection at the City Hall, 1600 Bell Avenue, Blue Mound, Texas.					
Send comments to The Honorable A.R. Perkins, Mayor of the City of Blue Mound, Tarrant County, 1600 Bell Avenue, Blue Mound, Texas 76131.					
Texas	Dalworthington Gardens, City, Tarrant County.	Rush Creek	Approximately 450 feet downstream of Indian Trail.	*542	*541
			At upstream corporate limits	*560	*556
		Ryan's Branch	At confluence with Rush Creek	*545	*546
			Approximately 480 feet upstream of confluence with Rush Creek.	*545	*546
Maps available for inspection at the City Hall, 2600 Roosevelt Drive, Arlington, Texas.					
Send comments to The Honorable Al Taub, Mayor of the City of Dalworthington Gardens, Tarrant County, 2600 Roosevelt Drive, Arlington, Texas 76016.					
Texas	Edgecliff Village, Town, Tarrant County.	Edgecliff Branch	Approximately 500 feet downstream of Atchison Topeka and Santa Fe Railway.	*705	*706
			Approximately 60 feet upstream of Atchison Topeka and Santa Fe Railway.	*709	*710
		Stream EB–1	Approximately 600 feet downstream of Crowley Road.	None	*700
			Approximately 400 feet upstream of Crowley Road.	None	*708
Maps available for inspection at the City Hall, 1605 Edgecliff Road, Edgecliff Village, Texas.					
Send comments to The Honorable Bob Wershey, Mayor of the Town of Edgecliff Village, Tarrant County, City Hall, 1605 Edgecliff Road, Edgecliff Village, Texas 76134.					
Texas	Euless, City, Tarrant County.	West Branch Hurricane Creek	Approximately 400 feet upstream of confluence with Hurricane Creek.	None	*522
			Approximately 1,700 feet upstream of West Parkway Road.	None	*536
		Hurricane Creek	At Tibbets Drive	*537	*536
			At upstream corporate limits	*537	*536

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City Hall, 201 N. Ector Drive, Euless, Texas.					
Send comments to The Honorable Harold Samuels, Mayor of the City of Euless, Tarrant County, 201 N. Ector Drive, Euless, Texas 76039.					
Texas	Everman, City, Tarrant County.	Chambers Creek	Approximately 0.6 mile downstream of downstream crossing of Enon Avenue.	*608	*609
			Approximately 1,780 feet downstream of the downstream crossing of Enon Avenue.	*613	*614
Maps available for inspection at the City Hall, 212 North Race, Everman, Texas.					
Send comments to The Honorable Joe Sample, Mayor of the City of Everman, Tarrant County, 212 North Race, Everman, Texas 76140.					
Texas	Forest Hill, City, Tarrant County.	South Creek	Approximately 2,000 feet upstream of the confluence with Village Creek.	*578	*579
			Approximately 200 feet downstream of Stonewall Drive.	*635	*634
		North Fork of South Creek	At confluence with South Creek	*618	*621
			Approximately 80 feet upstream of Wichita Street.	*650	*652
		North Branch of North Fork of South Creek.	At confluence with North Fork of South Creek	*638	*636
			Approximately 90 feet upstream of Wichita Street.	*650	*651
		North Branch of North Fork of South Creek Split Flow.	At confluence with North Fork of South Creek	None	*624
			At divergence from North Branch of North Fork of South Creek.	None	*645
Maps available for inspection at the City Hall, 6800 Forest Hill Drive, Forest Hill, Texas.					
Send comments to The Honorable Donald Walker, Mayor of the City of Forrest Hill, Tarrant County, 6800 Forest Hill Drive, Forest Hill, Texas 76140.					
Texas	Fort Worth, City, Tarrant County.	West Fork Cement Creek	Approximately 0.5 mile downstream of Longhorn Road.	None	*699
			At Longhorn Road	None	*718
		Stream MSC-1A	At downstream side of Bankhead Highway	None	*729
			Approximately 425 feet upstream of Chamita Lane.	None	*754
		South Marys Creek	Approximately 2,450 feet upstream of Diamond Bar Trail.	None	*741
			Approximately 1,025 feet upstream of Lost Creek Boulevard.	*772	*771
		North Fork Chambers Creek	Approximately 200 feet upstream of Wichita Street.	*656	*655
			Approximately 1,825 feet upstream of Oak Grove Road.	None	*687
		Farmers Branch	At downstream corporate limits	None	*600
			At the intersection of the westernmost runway on Carswell Air Force Base and the southern corporate limits.	None	*634
		Stream SC-7	Upstream side of McCart Avenue Bridge	None	*779
			Approximately 280 feet upstream of Risinger Road.	None	*802
		Stream SC-7A	At confluence with Stream SC-7	None	*788
			At Columbus Trail	None	*804
		Sump No. 14W	At intersection of Shamrock Avenue and Foch Street.	None	*539
		Sump No. 15W	At intersection of Rupert Street and Shamrock Avenue.	None	*539
		Sump No. 16W	Approximately 600 feet northeast of intersection of State Route 199 and St. Louis Southwestern Railroad.	None	*538
		Sump No. 25C	Aproximately 400 feet north of intersection of Woodnard Avenue and White Settlement Road.	None	*538
		Big Bear Creek	Approximately 280 feet downstream of the County boundary.	None	*478
			Approximately 850 feet upstream of the County boundary.	None	*484
		Sycamore Creek	Approximately 450 feet upstream of Union Pacific Railroad.	*621	*620
			Approximately 1,650 feet upstream of Oak Grove Road.	*635	*634
		Stream VC-4	At the downstream corporate limits	None	*613
			At the upstream corporate limits	None	*614
		Little Fossil Creek	Approximately 200 feet downstream of the upstream corporate limits.	*651	*650
			At the upstream corporate limits	*652	*651
		Live Oak Creek	Approximately 0.5 mile downstream of the upstream corporate limits.	None	*655

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			At the upstream corporate limits	None	*670
		Whites Branch	At downstream corporate limits	*583	*584
			Approximately 0.7 mile upstream of the confluence of Stream WB-1.	*667	*665
		Stream WB-1	Approximately 50 feet upstream of confluence with Whites Branch.	*649	*650
			Approximately 550 feet upstream of the confluence.	*651	*652
		Stream VC(A)-1	At the confluence with Village Creek	None	*478
			At Wilma Lane	None	*478
		South Fork Chambers Creek	Approximately 500 feet downstream of Christopher Street.	*662	*661
			Approximately 1,000 feet upstream of Oak Grove Road.	*685	*684
		Village Creek	Approximately 20 feet upstream of Randol Mill Road.	*485	*486
			Approximately 50 feet upstream of Randol Mill Road.	*485	*486
			At North Service Road of Interstate 820	*567	*564
			At South Service Road of Interstate 820	*567	*564
			Approximately 1,360 feet downstream of confluence of Elm Branch.	None	*594
			Approximately 800 feet downstream of confluence of Elm Branch.	None	*595
			Approximately 0.88 mile upstream of County Route 1064.	*658	*659
			Approximately 2.2 mile upstream of County Route 1064.	*670	*671
		Stream WF-11	At downstream side of Shoreview Drive	None	*602
			Approximately 550 feet upstream of Shoreview Drive.	None	*614
		South Creek	Approximately 1,950 feet upstream of confluence with Village Creek.	*578	*579
			At the Fort Worth/Forest Hill corporate limits	*584	*585
		Edgecliff Branch	Approximately 1,900 feet upstream of Missouri-Kansas-Texas Railroad.	None	*669
			Approximately 680 feet at downstream of confluence of Stream EB-1.	None	*675
		Little Fossil Creek	At confluence with Big Fossil Creek	*503	*502
			Downstream side of Missouri-Kansas-Texas Railroad.	*506	*504
		Stream HEN-1	At confluence with Henrietta Creek	*665	*664
			Approximately 1,350 feet upstream of confluence.	*667	*666
		Henrietta Creek	Approximately 350 feet downstream of Interstate Route 35W northbound.	*647	*646
			At Harmon Road	*665	*663
		Old Buffalo Creek	Approximately 100 feet downstream of Keller Haslet Road.	*647	*646
			Approximately 400 feet upstream of Interstate Route 35W.	*654	*647
		Buffalo Creek	At confluence with Henrietta Creek	*657	*652
			At Keller Haslet Road	*657	*652
		West Fork Trinity River	Approximately 0.9 mile upstream of County boundary.	*457	*458
			At Great Southwest Railroad Spur	*460	*461
		Big Fossil Creek	At its confluence with West Fork Trinity River	*503	*500
			Approximately 600 feet downstream of confluence of Stream BFC-3.	*633	*632
		Stream BFC-1	At its confluence with Big Fossil Creek	*578	*579
			Approximately 50 feet downstream of North Beach Street.	*578	*579
		Stream VC-4A	Approximately 280 feet upstream of Kennedale-Newhope Road.	None	*624
			Approximately 560 feet upstream of Kennedale-Newhope Road.	None	*625
		Lake Worth	Within Carswell Air Force Base	None	*600
		West Fork Trinity on Carswell AFB.	At Fort Worth/Westworth Village corporate limits.	None	*558
			Upstream side of Meandering Road	None	*561
		South Fork of North Branch of Deer Creek.	Approximately 100 feet downstream of the downstream corporate limits.	None	*773
			Approximately 300 feet upstream of the upstream corporate limits.	None	*778
		Willow Bend Creek	At upstream side of Chapin Road	None	*716

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,500 feet upstream of Chapin Road.	None	*731
		Boyd Branch	Approximately 1,300 feet downstream of Trinity Boulevard.	*496	*497
			At upstream side of Pipeline Road	*515	*514
		Stream HB-1	Approximately 165 feet upstream of the confluence with Howards Branch.	*565	*564
			Approximately 100 feet upstream of North Bellaire Drive.	*606	*605
		Clear Fork Trinity River	Approximately 2,400 feet upstream of Southwest Boulevard.	*610	*609
			Approximately 0.6 mile downstream of confluence of Stream CF-6.	*612	*611
		Stream VC-2A	Approximately 200 feet upstream of the confluence with Stream VC-2.	*580	*581
			At a point approximately 120 feet upstream of Martin Street (north).	*605	*603

Maps available for inspection at the Department of Transportation and Public Works, 1000 Throckmorton Steeet, Fort Worth, Texas.

Send comments to The Honorable Kay Granger, Mayor of the City of Fort Worth, Tarrant County, 1000 Throckmorton Street, Fort Worth, Texas 76102.

Texas	Grand Prairie, City, Dallas, Tarrant, and Ellis Counties.	Lynn Creek	At the confluence with Lake Joe Pool	None	*538
			Approximately 1.13 miles upstream of the confluence with Lake Joe Pool.	None	*552
		West Fork Trinity River	Approximately .9 mile upstream of Tarrant-Dallas County boundary.	*457	*458
			At the Great Southwest Railroad Spur	*460	*461
		Lake Joe Pool	Entire shoreline within the community	None	*538
		Bear Creek	Approximately 550 feet upstream of Beltline Road.	*447	*448
			Upstream corporate limit (at Rock Island Road)	*465	*460
		Bowman Branch	Approximately 600 feet downstream of Arlington Webb Britton Road.	None	*538
			At Arlington Webb Britton Road	None	*538
		Cottonwood Creek	Approximately 50 feet upstream of the Dallas-Tarrant County boundary.	*512	*511
			Approximately 150 feet downstream of the upstream corporate limit.	*529	528
		South Fork of Cottonwood Creek.	Approximately 800 feet downstream of the Great Southwest Parkway.	*544	545
			Approximately 800 Feet upstream of the Great Southwest Parkway.	*553	*554
		Johnson Creek	Approximately 100 feet upstream of Lower Tarrant Road.	*450	*449
			At the upstream corporate limits	*511	*509
		Stream JC-1	At the confluence with Johnson Creek	*453	*450
			Approximately 1,230 feet upstream of West Tarrant Road.	*500	*501

Maps available for inspection at the Department of Public Works, 317 College, Grant Prairie, Texas.

Send comments to The Honorable Duane McGuffey, Mayor of the City of Grand Prairie, Dallas, Tarrant, and Ellis Counties, P.O. Box 530011, Grand Prairie, Texas 75053-001

Texas	Grapevine, City Tarrant County.	Wes Jones Branch	Approximately 900 feet down-stream of Roandue Dove Drive.	*563	*564
			At upstream corporate limits	*563	*564
		Grapeville Lake	Entire shoreline within the community	*563	*564
		Tributary Little Bear 1	At Grapevine/Colleyville corporate limits	None	*572
			Approximately 100 feet up-stream of the Grapevine/Colleyville Corporate limits.	None	*573
		Farris Branch	Approximately 0.4 mile down-stream of Dove Loop Road.	None	*564
			Approximately 700 feet up-stream of Wall Street.	None	*639
		Farris Branch East	At confluence with Farris Branch	None	*586
			Approximately 1,150 feet upstream of Wall Street.	None	*622
		Tributary BB-5	Approximately 100 feet upstream of Creekwood Drive.	None	*564
			Approximately 0.8 mile upstream of Creekwood Drive.	None	*583
		Big Bear Creek	At downstream side of State Route 121 West Frontage Road.	*549	*548

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.7 mile upstream of State Route 121 West Frontage Road.	*553	*552

Maps available for inspection at the Department of Public Works, 307 West Dallas Road, Grapevine, Texas.
Send comments to the Honorable William D. Tate, Major of the City of Grapevine, Tarrant County, City Hall, 413 South Main, Grapevine, Texas 76051.

Texas	Haltom City, City Tarrant County.	Big Fossil Creek	Downstream side of Missouri-Kansas-Texas Railroad.	*505	*506
			Approximately 250 feet downstream of upstream corporate limits.	*576	*575
		Stream BFC-6	At Haltom City/North Richland Hills corporate limits.	*550	*549
			Approximately 1,000 feet upstream of Diamond Oaks Drive.	None	*568
		Tributary C	At confluence with Little Fossil Creek	*557	*556
			Approximately 400 feet upstream of St. Louis Southwestern Railway.	None	*604
		Mackey Creek Diversion South	At confluence with Big Fossil Creek	None	*512
			Approximately 30 feet upstream of Broadway Avenue.	None	*517
		Little Fossil Creek	Approximately 1,450 feet upstream of confluence with Big Fossil Creek.	*504	*502
			At upstream corporate limits	*559	*560
		Little Fossil Creek Split Flow	Approximately 150 feet upstream of confluence with Big Fossil Creek.	None	*506
			At divergence from Little Fossil Creek	None	*511
		Mackey Creek	At confluence with Big Fossil	None	*510
			Approximately 175 feet downstream of Dreben Drive.	None	*519
		Tributary B	At confluence with Big Fossil Creek	*541	*548
			Approximately 1,500 feet upstream of Union Pacific Railroad.	None	*693
		White Branch	At confluence with Big Fossil	*564	*565
			At upstream corporate limits	*581	*577
		Singing Hills Creek	At confluence with Big Fossil Creek	*540	*548
			Approximately 400 feet downstream of Interstate Route 820.	*544	*548
		East Branch Tributary C	At confluence with Tributary C	*592	*590
			Approximately 450 feet upstream of the confluence.	*592	*591
		Stream BFC-7	At confluence with Big Fossil Creek	*535	*537
			Approximately 380 feet upstream of confluence with Big Fossil Creek.	*535	*537

Maps available for inspection at the City Hall, 5024 Broadway Avenue, Haltom City, Texas.
Send comments to The Honorable Charles Womack, Major of the City of Haltom City, Tarrant County, P.O. Box 14247, Haltom City, Texas 76117.

Texas	Haslet, City, Tarrant County.	Henrietta Creek	Approximately 1,000 feet upstream of Heritage Parkway.	*657	*652
			Approximately 750 feet downstream of confluence of Stream HEN-2.	*681	*582
		Stream HEN-1	At confluence with Henrietta Creek	*665	*664
			Approximately 1,350 feet upstream of confluence.	*667	*666
		Old Buffalo Creek	Approximately 400 feet upstream of I35W	*654	*647
			At diversion from Buffalo Creek	*658	*656
		Buffalo Creek	At Keller-Haslet Road	*657	*652
			Approximately 250 feet upstream of diversion of Old Buffalo Creek.	*658	*657

Maps available for inspection at the City Hall, 105 Main Street, Haslet, Texas.
Send comments to The Honorable O.M. Cowart, Mayor of the City of Haslet, Tarrant County, P.O. Box 183, Haslet, Texas 76052.

Toxas	Hurst City, Tarrant County.	Calloway Branch	Approximately 525 feet downstream of Arcadia Street.	*534	*533
			At Hurst/Richland Hills corporate limits	*549	*548
		Shallow Flooding Area	Near Valley View Branch downstream of State Route 121.	None	#2
		Walker Branch	At downstream corporate limits	*513	*512
			Approximately 100 feet upstream of downstream corporate limits.	*514	*513
		Mesquite Branch	At confluence with Lorean Branch	None	*592
			At Precinct Line Road	None	*595
		Lorean Branch	Approximately 450 feet downstream of State Route 26.	*586	*585

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 950 feet upstream of confluence of Mesquite Branch.	None	*595

Maps available for inspection at the City Hall, 1505 Precinct Line Road, Hurst, Texas.

Send comments to The Honorable Bill Souder, Mayor of the City of Hurst, Tarrant County, 1505 Precinct Line Road, Hurst, Texas 76054.

Texas	Kennedale, City, Tarrant County.	Kee Branch	At upstream side of Kennedale-Sublett Road	None	*639
			Approximately 50 feet upstream of Swiney Hiett Road.	None	*655

Maps available for inspection at the City Hall, 209 North New Hope Road, Kennedale, Texas.

Send comments to The Honorable Steve Radakovich, Mayor of the City of Kennedale, Tarrant County, P.O. Box 268, Kennedale, Texas 76060.

Texas	Mansfield, City, Tarrant, Johnson, and Ellis Counties.	Steam BB-1	Downstream corporate limits (approximately .85 mile upstream of the confluence with Bowman Branch).	None	*602
			Approximately 500 feet upstream of downstream corporate limits (approximately .94 mile upstream of the confluence with Bowman Branch).	None	*605
		Low Branch	Approximately 2,000 feet downstream of Holland-Watson-Britton-Road.	*615	*538
			At confluence with Lake Joe Pool	None	*538
		Lake Joe Pool	Shoreline within the City of Mansfield	None	*538

Maps available for inspection at the Department of Zoning and Planning, City Hall, 1305 East Broad Street, Mansfield, Texas.

Send comments to The Honorable Gary Dalton, Mayor of the City of Mansfield, Tarrant, Johnson, and Ellis Counties, 1305 East Broad Street, Mansfield, Texas 76063.

Texas	North Richland Hills, City, Tarrant County.	Big Fossil Creek	Upstream side of Broadway Avenue	*513	*514
			Downstream side of St. Louis Southwestern Railroad.	*539	*541
		Mackey Creek Diversion North.	At confluence with Big Fossil Creek	*514	*515
			Approximately 70 feet upstream of Richland Plaza Drive.	*516	*517
		Stream BFC-7	Approximately 40 feet upstream of confluence with Big Fossil Creek.	*535	*537
			Approximately 1,130 feet upstream of confluence with Big Fossil Creek.	*536	*537
		Stream WKB-1	Approximately 800 feet downstream of Cardinal Lane.	*617	*616
			Approximately 500 feet upstream of Cardinal Lane.	None	*626
		Stream CB-1	At confluence with Calloway Branch	*603	*602
			Approximately 50 feet upstream of the confluence.	*603	*602
		Mesquite Branch	At Precinct Line Road	None	*595
			Upstream side of Precinct Line Road	None	*596
		Singing Hills Creek	Approximately 1,200 feet downstream of Interstate Route 820.	*541	*548
			Approximately 100 feet downstream of Interstate Route 820.	*547	*548
		Stream CB-2	Approximately 720 feet downstream of Hightower Drive.	*637	*636
			Approximately 290 feet upstream of Starnes Road.	None	*680

Maps available for inspection at the City Hall, 7301 NE. Loop 820, North Richland Hills, Texas.

Send comments to The Honorable Tommy Brown, Mayor of the City of North Richland Hills, Tarrant County, P.O. Box 820609, North Richland Hills, Texas 76182-0609.

Texas	Richland Hills, City, Tarrant County.	Big Fossil Creek	Approximately 250 feet downstream of State Route 121.	*505	*506
			At downstream side of State Route 183	*509	*511
		Stream BFC-5	At confluence with Big Fossil Creek	*506	*507
			Approximately 180 feet upstream of Latham Drive.	*532	*533
		Calloway Branch	At Hurst/Richland Hills corporate limits	*549	*548
			Approximately 550 feet upstream of Hurst/Richland Hills corporate limits.	*551	*550
		Little Fossil Creek Split Flow	At confluence with Big Fossil Creek	None	*506
			Approximately 150 feet upstream of confluence	None	*506

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City Hall, 3200 Diana Drive, Richland Hills, Texas. Send comments to The Honorable James Truitt, Mayor of the City of Richland Hills, Tarrant County, 3200 Diana Drive, Richland Hills, Texas 76118.					
Texas	River Oaks, City, Tarrant County.	Stream WF-5	Approximately 40 feet downstream of Long Avenue.	*586	*585
			Approximately 40 feet upstream of Long Avenue.	*589	*588
Maps available for inspection at the City Hall, 4900 River Oaks Boulevard, Fort Worth, Texas. Send comments to The Honorable Thomas Holland, Mayor of the City of River Oaks, Tarrant County, 4900 River Oaks Boulevard, Fort Worth, Texas 76114.					
Texas	Saginaw, City, Tarrant County.	Little Fossil Creek	Approximately 50 feet upstream of Blue Mound Road.	*669	*671
			Approximately 500 feet downstream of Atchison Topeka and Santa Fe Railway.	*721	*722
Maps available for inspection at the City Hall, 333 W. McLaroy, Saginaw, Texas. Send comments to The Honorable John Ed Keeter, Mayor of the City of Saginaw, Tarrant County, P.O. Drawer 79070, Saginaw, Texas 76179.					
Texas	Southlake, City, Tarrant County.	Dove Creek	Approximately 80 feet upstream of Meadowmere Park Road.	*563	*564
			Approximately 1,650 feet downstream of East Dove Street.	*563	*564
		Tributary BB-9	At Union Church Road	None	*622
			Approximately 1,700 feet upstream of Union Church Road.	None	*629
		Grapevine Lake	Flooding affecting the community	*563	*564
		West Jones Branch	At Roanoke Dove Drive	None	*564
			Approximately 150 feet downstream of Shady Lane.	None	*572
		Kirkwood Branch	At the most downstream corporate limits	*563	*564
			Approximately 50 feet upstream of the northbound lane of State Route 114.	None	*583
		South Fork Kirkwood Branch	At the confluence with Kirkwood Branch	None	*564
			Approximately 50 feet downstream of Dove Street.	None	*606
Maps available for inspection at the Southlake Public Works Department, 667 North Carroll Avenue, Southlake, Texas. Send comments to The Honorable Gary Fickes, Mayor of the City of Southlake, Tarrant County, 667 North Carroll Avenue, Southlake, Texas 76092.					
Texas	Tarrant County, Unincorporated Areas	Live Oak Creek	At Fort Worth-Tarrant County boundary	None	*670
			At upstream side of unnamed road approximately 0.8 mile downstream of White Settlement Road.	None	*725
		Cement Creek Reservoir	Within county	None	*691
		Bowman Branch	At Arlington-Webb-Britton Road	None	*538
			At Arlington corporate limits	None	*541
		West Jones Branch	Approximately 480 feet upstream of Roanoke Dove Drive.	None	*564
			Approximately 30 feet downstream of Shady Lane.	None	*573
		Boyd Branch	Approximately 2,000 feet downstream of Missouri-Kansas-Texas Railroad.	None	*474
			Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad.	None	*486
		Village Creek	Approximately 0.88 mile upstream of County Route 1064.	*658	*659
			Approximately 2.17 miles upstream of County Route 1064.	*670	671
		West Fork Cement Creek	At the Tarrant County/City of Fort Worth boundary.	None	*699
		Old Buffalo Creek	Approximately 600 feet upstream of confluence with Henrietta Creek.	*644	*643
			Approximately 100 feet downstream of Keller Hasiet Road.	*647	*646
		Buffalo Creek	Approximately 250 feet upstream of diversion of Old Buffalo Creek.	*658	*657
			Approximately 350 feet upstream of diversion of Old Buffalo Creek.	*658	*657
		Chambers Creek	Approximately 100 feet upstream of confluence with Village Creek.	*580	*581
			Approximately 0.5 mile upstream of confluence with Village Creek.	*586	*585
		Whites Branch	Approximately 2,080 feet upstream of Watauga-Smithfield Road.	*585	*587
		Lake Joe Pool	Entire shoreline within community	None	*538

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/Town/County	Flooding Source	Location	# Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
		Stream VC-5	Approximately 950 feet upstream of confluence with Village Creek.	*603	*604
			Approximately 0.58 mile upstream of confluence with Village Creek.	*604	*605
		Henrietta Creek	Approximately 600 feet upstream of confluence of Old Buffalo Creek.	*643	*644
			Approximately 750 feet downstream of confluence of Stream HEN-2.	*681	*682
		South Marys Creek	Approximately 0.54 mile upstream of Diamond Bar Trail.	None	*745
			Approximately 0.58 mile upstream of Diamond Bar Trail.	None	*748
Maps available for inspection at the Tarrant County Administrative Building, 100 East Weatherford Street, Public Works Department, Fort Worth, Texas.					
Send comments to The Honorable Tom Vandergriff, Tarrant County Judge, 501 Tarrant County Administrative Building, 100 E. Weatherford Street, Fort Worth, Texas 76196.					
Texas	Watauga, City, Tarrant County	Whites Branch	At downstream corporate limits	*578	*577
			Approximately 1,200 feet upstream of upstream corporate limits.	*566	*588
Maps available for inspection at the City Hall, Public Works Department, 7101 Whitley Road, Watauga, Texas.					
Send comments to The Honorable Virgil R. Anthony, Sr., Mayor of the City of Watauga, Tarrant County, 7101 Whitley Road, Watauga, Texas 76148.					
Texas	Westworth Village, City, Tarrant County	Kings Branch	At confluence with Farmers Branch	None	*566
			Approximately 320 feet upstream of confluence	None	*566
		Farmers Branch	Approximately 2,050 feet upstream of confluence with West Fork Trinity River.	None	*557
			Approximately 620 feet downstream of State Route 341.	None	*634
		West Fork Trinity River on Carswell AFB.	Approximately 480 feet upstream of confluence of Farmers Branch.	None	*557
			Approximately 2,000 feet upstream of confluence of Farmers Branch.	None	*558
Maps available for inspection at the City Hall, 311 Burtonhill Road, Fort Worth, Texas.					
Send comments to The Honorable W. O. Henker, Mayor of the City of Westworth Village, Tarrant County, 311 Burtonhill Road, Fort Worth, Texas 76114.					

Issued: July 2, 1991.

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-16871 Filed 7-15-91; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-193, RM-7717]

Radio Broadcasting Services; Corpus Christi, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Reina Broadcasting, Inc., requesting the substitution of Channel 234C2 for Channel 234A at Corpus Christi, Texas, and the modification of its construction permit for Station KBSO(FM) at Corpus Christi to specify operation on the higher powered channel. Channel 234C2 can be allotted to Corpus Christi at the petitioner's requested site with a site restriction of 14.9 kilometers (9.3 miles) west to avoid short-spacings to Station KELT, Channel 233C, Harlingen, Texas, Station KATG, Channel 234C, Luling, Texas, and Station KCGR, Channel 288A, Portland, Texas. The coordinates for Channel 234C2 at Corpus Christi are North Latitude 27-49-21 and West Longitude 97-32-31. See Supplemental Information, *infra*.

DATES: Comments must be filed on or before September 3, 1991, and reply comments on or before September 18, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Karen M. Corr, Fisher, Wayland, Cooper and Leader, suite 800, 1255 23rd Street, NW., Washington, DC 20037-1125 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making MM Docket No. 91-193, adopted June 24 , 1991, and released July 10, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission s

copy contractor Downtown Copy Center (202) 452–1422 1714 21st Street NW., Washington, DC 20036.

The proposal must conform with the technical requirements of § 73.1030(c)(1)–(5) of the Rules regarding protection to the Commission's monitoring station at Kingsville, Texas. In addition, since Corpus Christi is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence by the Mexican government has been requested. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 234C at Corpus Christi or require the petitioner to demonstrate the availability of an additional equivalent class channel.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governng permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–16846 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–194, RM–7721]

Radio Broadcasting Services; San Angelo, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Cary Fitch requesting the allotment of Channel 261A at San Angelo, Texas, as the community's eighth local FM transmission service. Channel 261A can be allotted to San Angelo in compliance with the Commission's minimum distance separation requirements at the petitioner's requested site without the imposition of a site restriction. The coordinates for Channel 261A at San Angelo are North Latitude 31–27–48 and West Longitude 100–26–12. Since San Angelo is located within 320 kilometers (199 miles) of the U.S.-Mexican border, Mexican concurrence has been requested.

DATES: Comments must be filed on or before September 3, 1991, and reply comments on or before September 18, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Cary Fitch, 264 N. Oxford Drive, San Angelo, Texas 76901 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–194, adopted June 24, 1991, and released July 10 , 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–16845 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 56, No. 136
Tuesday, July 16, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Meeting of the President's Council on Rural America

AGENCY: Department of Agriculture.

ACTION: Notice of meeting.

SUMMARY: The Under Secretary for Small Community and Rural Development, Department of Agriculture, is announcing a meeting of the President's Council on Rural America. The meeting is open to the public.

DATES: Meeting on Tuesday, July 30, 9 a.m. to 5 p.m., and Wednesday, July 31, 9 a.m. to 12 noon.

ADDRESSES: The meeting will be held at: Nonantum Resort on Oceanside Avenue Kennebunkport, Maine 04046.

FOR FURTHER INFORMATION CONTACT: Jennifer Pratt, Special Assistant to the Council, Office of Small Community and Rural Development, room 5405 South Building, USDA, Washington, DC 20250 (202) 382–0394.

SUPPLEMENTARY INFORMATION: The President's Council on Rural America was established by Executive Order on July 16, 1990. Members are appointed by the President and include representatives from the private sector and from State and local governments. The Council is reviewing and assessing the Federal Government's rural economic development policy and will advise the President and the Economic Policy Council on how the Federal Government can improve its rural development policy. The purpose of the meeting is to make decisions on a workplan for the Council and to receive reports from the Council task groups. The public may participate by providing written and verbal comments. Written comments may be submitted to Jennifer Pratt.

Dated: July 12, 1991.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 91–16996 Filed 7–12–91; 10:49 am]

BILLING CODE 3410–07–M

Forest Service

Elkhorn-Cedar Timber Sales, Willamette National Forest, Marion County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA will prepare an environmental impact statement (EIS) to analyze and disclose the environmental impacts of timber harvest; road construction and reconstruction; and improvement of steelhead spawning and rearing habitat proposed as part of the Elkhorn-Cedar Timber Sales. The proposed projects will be in compliance with the direction in the 1990 Willamette National Forest Land and Resource Management Plan (Forest Plan) which provides the overall guidance for management of the analysis area. The proposed projects would be implemented during Fiscal Years 1993 and 1994 on the Detroit Ranger District.

The analysis area is located approximately 35 miles northeast of Salem, Oregon in TBS, R4E, sections 25–28, 32–36; T9S, R4E, sections 1–4, 8–12, and 15; T8S, R5E, sections 30–32; and T9S, R5E, sections 5–8, 17,18. The analysis area comprises six watersheds: Cedar, Little Cedar, Crown Mine, Elkhorn, and small portions of Dry/Evans and Horn.

The analysis area is almost entirely within roadless areas that were identified in appendix C of the Forest Plan. The area includes all of the Elkhorn Creek Roadless Area (8,958 acres) and a portion of the Opal Creek Roadless areas that lies within the Cedar Creek watershed (approximately 960 acres of 10,687 acres). However, no activities will be included in this proposal that lie in the Opal Creek watershed.

The Willamette National Forest invites written comments and suggestions on the scope of the analysis in addition to comments already received as a result of local public participation activities. The agency also gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and implementation of this proposal must be received in writing by August 31, 1991.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to William F. Funk, Detroit Ranger District, HC 73 Box 320 Mill City, OR 97360.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to Raoul Gagne, Project Coordinator, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360. Or contact by phone at (503) 854–3366.

SUPPLEMENTARY INFORMATION: The Forest Service Proposal is to harvest timber, construct roads, reconstruct approximately 8 miles of road, and improve anadromous fish habitat, in accordance with the standards and guidelines and limits established in the Forest Plan.

The Forest Service is the lead agency. The Forest Supervisor for the Willamette National Forest is the responsible official.

The environmental impact statement will tier to the Forest Plan. The Forest Plan provides two levels of guidance. First, the Forest Plan sets goals, standards and guidelines for forest-wide management. Second, the Forest Plan delineates management areas, each with a particular and unique resource emphasis.

Management activities on the Forest are proposed in the context of achieving the Forest Plan goals, or desired future condition, across the Forest and for each particular management area included within the analysis area. At the same time, the standards and guidelines define the means of measuring how well proposed activities meet those goals.

Approximately half of the Elkhorn-Cedar analysis area contains land that is suitable and available for timber harvest. Within the available land base, the Forest Plan has allocated the

following management areas for this analysis area:

- General Forest (5,385 acres)
- Scenic Modification Middleground (1,840 acres)
- Scenic Modification Foreground and Partial Retention Middleground (355 acres)
- Scenic Partial Retention Foreground (175 acres)
- Scenic Retention Foreground (915 acres)

The following management allocations in the Elkhorn-Cedar analysis area have no associated timber harvest: Phantom Bridge Special Interest Area, Pileated Woodpecker Habitat Areas, Pine Marten Habitat Areas, Shady Cove Campground (developed recreation site), and various riparian zones.

In addition to the proposed action, the analysis will consider a range of alternatives, including a no-action alternative. Alternatives will conform to the Forest Plan goals, standards and guidelines for the management areas located within the analysis area. Nonconforming alternatives might be considered because of new issues, changed conditions or new resource knowledge that appears during the analysis. Before implementation, such alternatives would require an amendment to the Forest Plan.

This analysis will make use of previous site-specific analyses that have been conducted in the analysis areas. For the Elkhorn Creek subdrainage, two previous analyses will contribute the most. In 1984, analysis for the Elkhorn Creek Timber Sale was documented in an environmental assessment. The sale was postponed and finally dropped from the timber program to make room for a spotted owl habitat area.

The Horeb Timber Sale was considered between 1985 and 1989. Public scoping and field resource inventories had been completed for the area, but analysis for the Horeb Timber Sale was never documented in an environmental assessment in large part because of changing policy direction concerning spotted owls. The physical condition of both of these planning areas has remained unchanged.

Similarly, previous analysis exists for the Cedar Creek drainage. Analysis has taken place for the West Cedar Timber Sale, documented in an environmental assessment in 1984. Other timber sales with completed analysis are Sullivan West/Cedar Creek Leave, and Southwest Sullivan. Analysis, with partially completed resource inventories, has also taken place for the Cedar Fly Timber Sale. No documentation was completed for the Cedar Fly Timber Sale. Few land management activities have occurred in the Cedar Creek drainage since these analyses took place. As with the Elkhorn Creek analyses, much of the information remains valid.

One of the most useful elements of these previous analyses is the public comments. These have been the basis to date of the preliminary scoping. In addition, Detroit District planners have explained plans for Cedar Creek to more than 10 interested groups. These comments will also be incorporated into the scoping file for this analysis.

Because of the broader scope of this proposal, further public participation will be conducted. This participation will be especially important at several points during the analysis. beginning with the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, tribes, and local government agencies, as well as other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS. The scoping process includes the following steps:

1. Identifying potential issues.
2. Identifying major issues to be analyzed in depth.
3. Identifying issues which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives based on themes which will be derived from issues recognized during scoping activities.
5. Identifying potential environmental effects of this project and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.
7. Notifying interested public of opportunities to participate through meetings, personal contacts, or written comment. Keeping the public informed through the media and/or written material (i.e., newsletters, correspondence, etc.)

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by January 1993. At that time. copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. EPA will publish a notice of availability of the draft EIS in the **Federal Register.** The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register.**

The Forest Service believes it is important to give revewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS .

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

The final EIS is scheduled to be completed by July 1993. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Forest Supervisor, Willamette National Forest, is the responsible official As the responsible official he will decide which, if any, of the proposed projects will be implemented. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR Part 217).

Dated: July 2, 1991.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 91-16834 Filed 7-15-91; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Rutherford Electric Membership Corp.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of No Significant Impact related to the construction of a district office in Gaston County, North Carolina.

SUMMARY: Notice is hereby given that the Rural Electrification Administration, pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508) and the Rural Electrification Administration Environemental Policies and Procedures (7 CFR part 1794), has prepared an Environmental Assessment and made a Finding of No Significant Impact with respect to the construction of the proposed Lincoln-Gaston District Office in Gaston County, North Carolina. Rutherford Electric Membership Corporation has requested the Rural Electrification Administration's approval to construct the project.

FOR INFORMATION CONTACT: Alex M. Cockey, Jr., Director, Southeast Area—Electric, Room 0270, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8436.

SUPPLEMENTARY INFORMATION: The proposed project consists of the following:

17,000 square foot office building,
900 square foot drive-through window,
2,600 square foot mezzanine for heating/air conditioning,
7,000 square foot warehouse,
3,500 square foot covered loading dock,
800 square foot mezzanine storage area,
5,500 square foot break area, seminar room, crew leaders offices, toilets, etc.
60 plus parking spaces and
14 vehicle bays with loading docks.

The alternative considered to constructing the district office was no action.

Copies of the Environmental Assessment and Finding of No Significant Impact are available for review at, or can be obtained from, the Rural Electrification Administration at the address provided herein or at the office of Rutherford Electric Membership Corporation, PO Box 127, Cherryville, North Carolina 28021.

Dated: July 5, 1991.

Approved:

John H. Arnesen,

Assistant Administrator—Electric, Rural Electrification Administration.

[FR Doc. 91-16931 Filed 7-15-91; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Ocean Thermal Energy Conversion Licensing Regulations.

Form Number: None; OMB—0648–0144.

Type of Request: Request for extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Burden: 0 respondents; 1 reporting hours; average hours per response—1 hour.

Needs and Uses: This information is required for an Ocean Thermal Energy Conversion (OTEC) application. The information is used by NOAA in determining the feasibility of issuing a license for construction, ownership, and operation of an OTEC facility or plantship and for monitoring environmental impacts.

Affected Public: State or local governments, businesses or other for profit, Federal agencies or employees.

Frequency: On occasion, annual, recordkeeping.

Respondent's Obligation: Required of obtain or retain a benefit.

OMB Desk Officer: Ronald Minsk, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 10, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-16830 Filed 7-15-91; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A-583-008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On May 21, 1991, the Department of Commerce initiated an administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan. The Department is now terminating this review.

BACKGROUND: On May 21, 1991, the Department of Commerce published a notice of initiation of administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan. This notice stated that we would review information submitted by seven exporters for the period May 1, 1990 through April 30, 1991. The Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports, petitioners, subsequently withdrew their request for review on June 25, 1991. Since no other interested party has requested an administrative review for this period, the Department is now terminating this review.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Jonathan Freilich or Alain Letort, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 377–3793 or telefax (202) 377–1388.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1), and § 353.22(a)(5) of Commerce regulations (19 CFR 353.22(a)(5)).

Dated: July 9, 1991.

Eric L. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-16910 Filed 7-15-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-817]

High Information Content Flat Panel Displays and Display Glass Therefor From Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Karmi Leiman or Joel Fischl, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-4198 or 377-1778, respectively.

Final Determinations

Final Affirmative Determination of Sales at Less Than Fair Value: Active-Matrix Liquid Crystal High Information Content Flat Panel Displays and Display Glass Therefor from Japan

Final Affirmative Determination of Sales at Less Than Fair Value: Electroluminescent High Information Content Flat Panel Displays and Display Glass Therefor from Japan

Final Negative Determination of Sales at Less Than Fair Value: Gas Plasma High Information Content Flat Panel Displays and Display Glass Therefor from Japan

Rescission of Initiation of Investigation and Dismissal of Petition: Passive-Matrix Liquid Crystal High Information Content Flat Panel Displays and Display Glass Therefor from Japan

We determine that imports of active-matrix liquid crystal high information content flat panel displays and display glass therefor and electroluminescent high information content flat panel displays and display glass therefor from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The estimated weighted-average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice. We also determine that gas plasma high information content flat panel displays and display glass therefor from Japan, are not, nor are likely to be, sold in the United States at less than fair value. In addition, we are rescinding our initiation of investigation of passive-matrix liquid crystal high information content flat panel displays and display glass therefor, and are dismissing that part of the petition upon which the rescinded initiation was based.

Case History

On February 21, 1991, the Department published an affirmative preliminary determination (56 FR 7008). Since that date, the following events have occurred. On March 11, 1991, the Department published a notice postponing the final determinations in these investigations until not later than July 8, 1991 (56 FR 10236). Interested parties submitted comments for the record in case briefs dated May 30, 1991 and in rebuttal briefs dated June 6, 1991. A public hearing was held on June 10, 1991. The Department requested post-hearing briefs which were submitted by interested parties on June 13, 1991. We received additional submissions after that date.

Scope of Investigations

The products covered by these investigations, constituting three classes or kinds of merchandise, are (1) active-matrix liquid crystal high information content flat panel displays and display glass therefor; (2) gas plasma high information content flat panel displays and display glass therefor; and (3) electroluminescent high information content flat panel dispalys and display glass therefor.

Based on information submitted to the Department by interested parties to the investigations, we have clarified the definition of "display glass of high information content flat panel displays." This clarification provides a more detailed definition of display glass. For further discussion of this issue, see Comment 2 of the "General Comments" section of this notice.

1. Active-Matrix Liquid Crystal High Information Content Flat Panel Displays and Display Glass Therefor

Active-matrix liuqid crystal high information content flat panel displays (active-matrix LCD FPDs) are large area, matrix addressed displays, no greater than four inches in depth, with a picture element (pixel) count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. Active-matrix LCF FPDs utilize a thin-film transistor array to activate liquid crystal at individual pixel locations. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video.

Active-matrix LCD FPD display glass, whether or not integrated with additional components, exclusively dedicated to and designed for use in active-matrix LCD FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*i.e.*, liquid crystal) and contact pads for interconnecting drive electronics.

2. Gas Plasma High Information Content Flat Panel Displays and Display Glass Therefor

Gas plasma high information content flat panel displays (gas plasma FPDs) are large area, matrix addressed displays, no greater than four inches in depth, with a pixel count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. Gas plasma FPDs incorporate a matrix of electrodes that, when activated, excite a gaseous compound, typically neon and argon, causing it to emit light. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video.

Gas plasma FPD display glass, whether or not integrated with additional components, exclusively dedicated to and designed for gas plasma FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*i.e.*, gas plasma) and contact pads for interconnecting drive electronics.

3. Electroluminescent High Information Content Flat Panel Displays and Display Glass Therefor

Electroluminescent high information content flat panel displays (EL FPDs) are large area, matrix addressed displays, no greater than four inches in depth, with a pixel count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. EL FPDs incorporate a matrix of electrodes that, when activated, apply an electrical current to a solid compound of electroluminescent material (*e.g.*, zinc sulfide) causing it to emit light. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video.

EL FPD displays glass, whether or not integrated with additional components, exclusively dedicated to and designed for use in EL FPDs, is defined as processed glass substrates that

incorporate patterned row, column, or both types of electrodes, and also typically incorporate a material that reacts to a change in voltage (*e.g.*, phosphor) and contact pads for interconnecting drive electronics.

The following merchandise is excluded from the scope of these investigations: Passive-matrix liquid crystal high information content flat panel displays and display glass therefor (passive-matrix LCD FPD) (see, "Class or Kind of Merchandise" and "Rescission of Investigation With Respect to Passive-Matrix LCD FPDs" sections of this notice for further details); segmented flat panel displays; matrix addressed flat panel displays with less than 120,000 pixels; and cathode ray tubes (CRTs).

All types of FPDs described above are currently classifiable under subheadings 8543, 8803, 9013, 9014, 9017.90.00, 9018, 9022, 9026, 9027, 9030, 9031, 8471.92.30, 8471.92.40, 8473.10.00, 8473.21.00, 8473.30.40, 8442,40.00, 8466, 8517.90.00, 8528.10.80, 8529.90.00, 8531.20.00, 8531.90.00, and 8541 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Class or Kind of Merchandise

In the petition, the petitioners characterized all high information content flat panel displays as a single class or kind of merchandise. In the Department's notice of initiation (55 FR 33146, August 14, 1990) and preliminary determination (56 FR 7008, February 21, 1991) we also treated the merchandise as a single class or kind.

On September 4, 1990, the Department solicited comments from all interested parties on several issues relating to the investigations, including class or kind. We received responses to our request from the petitioners (consisting of the Advanced Display Manufacturers of America and its member companies; Planar Systems, Inc.; Plasmaco, Inc.; OIS Optical Imaging Systems, Inc.; The Cherry Corporation; Magnascreen Corporation; Photonics Technology, Inc.; and Electro-Plasma, Inc.), Toshiba Corporation (Toshiba), Hosiden Corporation (Hosiden), GRiD Systems, Inc. (GRiD), Kyocera Corporation (Kyocera), and the Computer System Manufacturers Group (CSMG) (consisting of Apple Computer Corporation, International Business Machines Corporation, Compaq Computer Corporation, and Tandy Corporation/GRiD Systems, Inc.). We continued to receive comments on class or kind from interested parties throughout the course of these investigations, including comments in case and rebuttal briefs, at the public hearing, and in post-hearing submissions. Based upon our analysis of these submissions, we determine that the products covered by the petition constitute four separate classes or kinds of merchandise: active-matrix LCD FPDs; passive-matrix LCD FPDs; gas plasma FPDs; and EL FPDs. The following is a discussion of the class or kind arguments presented and the Department's analysis.

A. Petitioners

The petitioners state that the subject merchandise constitutes one class or kind of merchandise. The petitioners analyze the subject merchandise based on the criteria set forth in *Diversified Products Corporation* v. *United States*, 6 CIT 155, 162, 572 F. Supp. 883, 889 (1983) and *Kyowa Gas Chemical Industrial Co.* v. *United States*, 7 CIT 138, 582 F. Supp. 887 (1984) (*Diversified* criteria). These criteria are:

(1) The general physical characteristics;

(2) The ultimate use;

(3) The expectations of the ultimate purchaser;

(4) The channels of trade; and

(5) The manner of advertising and display.

According to the petitioners, all FPDs have the same general physical characteristics. They are virtually identical in size, have depths of four inches or less, and have a pixel count of 120,000 or greater. Each is comprised of display glass, drive electronics, control electronics, a mechanical package, and a power supply. The petitioners also state that FPDs are regularly analyzed and compared among technologies based on characteristics such as brightness, viewing angle, response time, power consumption, and ruggedness. In their case briefs, the petitioners contend that all FPDs can achieve the same power consumption, size, weight, etc., and that the industry is moving to achieve these goals. For example, the petitioners note that Planar Systems, Inc. has produced an EL FPD with the same power consumption, size, and weight of many backlit LCD displays currently on the market. They assert there are numerous examples of this technology overlap.

Asserting that systems designers have complete flexibility when deciding which type of FPD to use in a system, the petitioners note that different original equipment manufacturers (OEMs) use different FPDs in the same applications. For example, in avionics, Allied-Signal chose to use an active-matrix LCD FPD while Boeing and Canadian Marconi chose EL FPDs. Also, Data General purchased EL FPDs from Planar as replacements for passive-matrix LCD FPDs in one of its systems. Thus, all FPD technologies are competing for market opportunities in virtually all end-user markets.

According to the petitioners, the expectations of the ultimate purchaser of an FPD are to present textual, graphic, or video information on a display with reduced size and weight. The petitioners note that while the relative importance of various performance criteria differ from application to application, purchasers regularly evaluate cost-performance trade-offs for their applications.

The petitioners contend that all FPDs are sold through the same channels of trade. They are sold to OEMs through a factory direct sales force, independent sales representatives, or through stocking distributors. The petitioners note that individual sales representatives often market more than one technology and cite the case of Sharp Corporation, whose sales force sells passive-matrix LCD FPDs and EL FPDs concurrently.

Finally, the petitioners argue FPD manufacturers advertise their products in a similar manner, whether it be in specific product literature, at trade shows, or in the trade press. A review of advertising shows that information is presented in a similar fashion regardless of technology.

The petitioners conclude, based on these criteria, that it is clear there is one class or kind of merchandise which encompasses the four products subject to this investigation.

B. Toshiba

Toshiba holds that FPDs include several distinct sophisticated devices with technologically material differences. Applying the Diversified criteria, Toshiba states there are four classes or kinds of merchandise based on the four FPD technologies.

According to Toshiba, there are numerous differences in physical characteristics that result in distinct product capabilities with respect to optical, electrical, and mechanical factors. First, some FPDs are emissive, that is, they emit light (EL FPDs and gas plasma FPDs), while others (LCD FPDs) are non-emissive, modulating and reflecting ambient light. Second, LCD, EL, and gas plasma FPDs use different mediums to activate each pixel, *i.e.*, liquid crystal, phosphor, or gas, respectively. The different materials result in different color displays: LCD is

black-on-white or blue-green; gas plasma is red; and EL is yellow. Contrast, transparency, and brightness also differ among technologies. In addition, each FPD technology has unique electrical requirements that determine power consumption and battery life. Gas plasma and EL FPDs consume relatively high power while LCD FPDs are a lower power technology. Mechanical requirements of the technologies determine size and weight, with gas plasma and EL FPDs typically being an inch thick and two pounds in weight and LCDs being one-quarter inch thick and weighing one pound or less.

The varying physical characteristics of the FPD technologies offer ultimate users distinctly different products depending on application. LCD is most appropriate in applications where ambient light conditions are not constant, while gas plasma is used when picture quality is important. EL FPDs are used when security needs dictate suppression of radio frequency emissions. Battery life is another important consideration, should the ultimate user desire to use the FPD in a battery-powered application. Toshiba argues only portables with LCD FPDs can operate under battery power.

Similarly, the ultimate use of the FPD is determined by the technology. LCD technology is used in laptop computers, while gas plasma and EL FPDs are used in portable computers, specialized military and medical instruments and for other uses. There is no interchangeability of the various FPDs after the design stage for their use in an end-product.

Toshiba states that this analysis, based on the Diversified criteria, shows there are four separate classes or kinds of merchandise.

C. Hosiden

Hosiden also maintains there are four classes or kinds of merchandise distinguished by technology. Hosiden's position is identical to Toshiba's except as noted below.

Hosiden elaborates on the distinctions between the four types of FPDs with respect to mechanical structure and electronic interface. The "mechanical structure" refers to the manner in which the glass and electronic circuitry are held together. Gas plasma FPDs require that the glass substrate be directly bonded to a reinforced plastic support frame that also supports the drive electronics. EL FPD technology requires that the glass substrate be directly bonded to the drive electronics printed circuit board with discrete pin connections and without the use of a frame. LCD FPDs, both passive-matrix and active-matrix, can be assembled using either a backboard, tape automated bonding, or chip-on-glass. Hosiden notes that active-matrix LCD FPDs differ from passive-matrix LCD FPDs because of the thin-film transistor array.

The electronic interface allows the display controller device in the host system to communicate with the display driver in the FPD. The circuit connections, AC data timing signals, DC voltage levels, display control functions, and color and gray-scale emulation control functions are unique to each of the four types of FPDs. They cannot be interchanged without significant hardware and software modifications.

D. GRiD

GRiD, a wholly-owned subsidiary of Tandy Corporation, offers the following analysis of the subject merchandise as it pertains to the laptop computer industry. GRiD argues there are four classes or kinds of merchandise.

A passive-matrix LCD FPD is the most desirable display for battery-powered laptop computers, because of its low power consumption. In addition, its light weight and reasonable picture quality are attributes that make passive-matrix LCD FPDs good general purpose displays for many applications. Passive-matrix LCD FPDs are the only display type that can be used in portable computers used in field work under varying light conditions and where battery life is essential due to the absence of AC power outlets. Transflective LCDs (those reflecting ambient light as well as transmitting light from a backlight or sidelight) allow varying light conditions to be overcome while maintaining low power and weight. Gas plasma and EL FPDs cannot be used under these conditions. Lastly, passive-matrix LCD FPDs are substantially less costly than the other types of FPDs.

Gas plasma FPDs provide a crisp red-on-black display with excellent off-angle viewing. This viewing angle is necessary in certain portable computer applications where the user requires that several people be able to view the display at the same time. On the other hand, the high power consumption and weight of gas plasma FPDs preclude their use in notebook computers, where the incorporation of a gas plasma FPD instead of a passive-matrix LCD FPD would increase weight by up to 40 percent and require a battery with two times as much power to achieve the necessary three hours of battery life that GRiD requires. The higher cost of gas plasma FPDs relegates them to the portable market in applications where their fast response time and excellent viewing angle are paramount.

EL FPDs have a bright yellow display with excellent off-angle viewing. EL FPDs are the most costly of the technologies utilized by GRiD. As the incorporation of an EL FPD into a notebook computer would increase weight by approximately 54 percent due to the additional power requirements, GRiD has not widely incorporated EL FPDs into its notebook applications. GRiD has utilized EL FPDs primarily in Tempest systems. Tempest systems suppress radio frequency emissions of the display and are used in situations where information security is needed. EL is the only FPD technology used in Tempest systems because of the brightness of the display. A Tempest system uses a fine metal screen to reduce emissions, which also significantly reduces the brightness of the display. An EL FPD can accommodate the metal screen and remain readable due to its inherent brightness.

GRiD concludes that no one type of FPD can serve all applications and that users select their laptop computer with a particular FPD based on the intended application. Each type of FPD is a separate class or kind of merchandise.

E. Kyocera

Kyocera states that the Department has the authority to find that more than one class or kind of merchandise exists. Kyocera adds that the petitioners' categorization of FPDs is simplistic and over-broad. Based on the Diversified criteria, Kyocera argues there are four classes or kinds of merchandise.

F. CSMG

In its submission of September 7, 1990, the CSMG states that it is within the discretion of the Department to determine there is more than one class or kind of merchandise subject to investigation. The CSMG cites the Department's decision in Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany (54 FR 18992, May 3, 1989) (AFBs). In those investigations, the petitioner maintained that all AFBs constituted one class or kind of merchandise because all have the same general physical characteristics, since all have essentially the same four components (inner race, outer race, cage system, and rolling elements). The petitioner also asserted that all AFBs have the same general use (*i.e.*,

reducing friction between moving parts) and, as a result, all bearings give rise to the same general consumer expectation. Finally, the petitioner noted that all AFBs are distributed within the same general channels of trade. The Department disagreed, finding petitioner's description of AFBs over-simplistic, and found there were five classes or kinds of merchandise. The CSMG compares the AFBs decision to high information content flat panel displays and offers its analysis of the subject merchandise based on the Diversified criteria, concluding there are four classes or kinds of FPDs, based on technology. This analysis is similar to that offered by Toshiba, Hosiden, GRiD, and Kyocera.

In its case brief submitted to the Department on May 30, 1991, the CSMG proposed an alternative to its request for a finding of four classes or kinds. The CSMG maintained that, although they continue to believe there are four classes or kinds of merchandise, if it would not agree, the Department should recognize there are at least two classes or kinds of merchandise, emissive and non-emissive FPDs. The division between the classes or kinds should be based on the ability of the FPD technology to produce and emit light. Thus, EL and gas plasma FPDs are one class or kind of merchandise because both technologies produce and emit light when activated by an electrical current. LCD FPDs, passive-matrix and active-matrix, are a second class or kind of merchandise because an LCD FPD matrix, absent the addition of a light source (*e.g.*, backlight), is non-emissive. LCD FPDs reflect ambient light or allow transmission of light from a source behind or to the side of the pixel matrix.

In a discussion of the Diversified criteria, the CSMG states that the emissive technologies consume more power, and are larger and heavier than non-emissive displays. Hence, their ultimate uses are drawn along similar lines. Non-emissive displays are used in applications where light weight and low power consumption are a necessity, *e.g.*, laptop computers. Emissive technologies are utilized in applications where their wide viewing angle is important and no severe power limitations exist. Medical instrumentation, systems controls, and extremely large video displays (such as stadium systems) are examples of applicatiosn that lend themselves to the emissive technologies. The CSMG notes that its members are the only end-users to have submitted information on the record regarding end-use and the expectations of ultimate users. The CSMG states there is no interchangeability among technologies. The technological differences among the four types of FPDs allow or prevent their use in computer systems. Emissive displays cannot be used in laptop computers where power consumption is a chief concern. However, in systems such as Compaq's original portable computer, the Portable III, a 20 pound system designed for office applications where a power source is of no concern, a gas plasma FPD was used because it most emulated the qualities of a CRT display. The CSMG concludes that the essential physical differences between the FPD technologies, the actual expectations of customers as to each display type's applications, and the lack of substitutability between emissive and non-emissive displays all compel the Department to find at least two classes or kinds of merchandise: emissive and non-emissive FPDs.

G. DOC Determination

The Court of International Trade (CIT) has recognized the authority of the Department to define and clarify the scope of its investigation. *Mitsubishi Electric Corp.* v. *United States*, 700 F. Supp. 538, 552 (CIT 1988), *aff'd*, 898 F. 2d 1577 (Fed. Cir. 1990). The CIT has also recognized the Department's authority to subdivide the class or kind of merchandise submitted by the petitioner in the petition when the Department determines that more than one class or kind of merchandise has improperly been merged into a single class or kind of merchandise. *Torrington Co.* v. *United States*, 745 F. Supp., 718 (CIT 1990).

Given the substantial information placed on the record regarding the appropriate number of classes or kinds of merchandise, we have decided to reexamine the class or kind of merchandise as described in the petition. In this regard, we have applied the Diversified criteria to the facts in these investigations to determine whether the merchandise subject to the investigation should be divided into separate classes or kinds of merchandise. See, AFBs, at 19000. Based on these criteria, we determine that FPDs constitute four distinct classes or kinds of merchandise. Our analysis shows that the technology of the FPD determines or limits the FPD's functional capabilities (*e.g.*, power consumption, viewing angle, brightness, and weight). In turn, these capabilities establish the boundaries of the FPD's ultimate use and customer expectations.

General Physical Characteristics. The four FPD technologies are fundamentally different. Passive-matrix LCD FPDs incorporate rows and columns of electrodes, a matrix activated by an electrical current. This current causes the liquid crystals to twist at the junction of the activated row and column electrodes, acting as an aperture, and allowing light to pass through. This light comes from the reflection of ambient light or from light produced from a backlight or sidelight incorporated into the FPD. Passive-matrix LCD technology requires the display to constantly "refresh," that is, sequentially activate the row electrodes while selectively activating column electrodes, hundreds of times per second, so that at the junction of the activated row and column electrodes a pixel is turned on. Active-matrix LCD FPDs use a thin-film transistor array to address the individual pixels. This array, sometimes compared to a very large semiconductor, places a transistor at each pixel location that allows each pixel to be activated individually. This eliminates the need for "refresh." Gas plasma FPDs incorporate a matrix of electrodes that, when activated, excite a gaseous compound of neon and argon causing it to emit light. This process is similar to the activation of neon and fluorescent lights. Electroluminescence is the non-thermal conversion of electrical energy to luminous energy. EL FPDs incorporate a matrix of electrodes that apply a current to a solid compound of electroluminescent material (*e.g.*, zinc sulfide) causing it to emit light.

The petitioners assert that all FPDs are similar because they display text, graphics, and video, are less than four inches thick, and have more than 120,000 pixels. While the petitioners note that current EL and gas plasma FPDs may someday be able to achieve some of the low power and size requirements currently achieved by passive-matrix LCD FPDs, their class or kind analysis is deficient in its approach to dissimilar products that are clearly complex devices engineered utilizing the most advanced production techniques and clean room environments. Analysis of FPDs in current production shows that all types of FPDs cannot meet the same technical specifications. For example, the vast majority of EL and gas plasma FPDs cannot meet the same low power levels of the passive-matrix LCD FPDs.

Expectations of the Ultimate Purchasers & Ultimate Use. The demand for a range of FPDs with different technologies arises from applications where power, viewing angle, brightness, and weight can vary greatly. Active-matrix LCD FPDs have been used in the avionics industry, where their wide viewing angle, ability to be viewed in direct sunlight, and a lessened concern

over power source, make them suitable FPDs for aircraft cockpits. Also, active-matrix LCD FPDs are beginning to be incorporated into computer systems where a thin display is required and where graphics and video display requirements preclude the use of passive-matrix LCD FPDs, as these FPDs do not offer the fast response time needed in these applications. Passive-matrix LCD FPDs, with their very low power consumption, have become the standard in the laptop and notebook computer industry, where consumer demand calls for units that can operate for several hours on a battery. The record shows that passive-matrix LCD FPDs dominate the fast growing laptop and notebook computer market, with no significant exceptions. However, the incorporation of passive-matrix LCD FPDs into laptop and notebook computers does not achieve the brightness or viewing angle that gas plasma and EL FPDs offer. The inherent brightness of EL FPDs has allowed them to capture the Tempest market, while their ruggedness has made them ideal for a variety of military applications. The wide viewing angle and brightness of gas plasma and EL FPDs allows them to be used in systems controls and medical instrumentation, where the FPD must be seen by several operators at the same time. Additionally, current manufacturing technology allows gas plasma and EL FPDs to be produced in larger sizes than either passive-matrix or active-matrix LCD FPDs, thus allowing them to be used in systems where a large display is necessary (*e.g.*, stadium systems and office workstations). In fact, information submitted on the record shows that the majority of gas plasma and EL FPDs are incorporated into medical instrumentation and systems control applications while the majority of passive-matrix LCD FPDs are incorporated into laptop computer applications.

These physical distinctions and consequent performance differences dictate what the customer can expect of the display. For instance, a laptop computer manufacturer will not consider an EL FPD because an EL FPD consumes more power than allowable to maintain an optimum battery life, whereas a passive-matrix LCD FPD, while not offering the same viewing angle as an EL FPD, will allow the laptop computer to operate on battery power for the requisite number of hours. A manufacturer of Tempest systems will not consider active-matrix or passive-matrix LCD FPDs because of their inability to be seen through the metal screen used to suppress radio frequency emissions. Military field applications do not utilize either passive-matrix or active-matrix LCD FPDs because of their inability to meet the rigorous physical demands (*e.g.*, extremes in temperature, physical shock) of military environments.

Channels of Distribution & Advertising. Channels of distribution and advertising are generally the same among the technologies. Significantly more important dissimilarities exist with respect to physical characteristics, ultimate uses, and the expectations of ultimate users. AFBs, at 18999 (Although all AFBs have the same general physical characteristics and serve the same general function (*i.e.*, to reduce friction), the Department found five classes or kinds of merchandise where the Department's analysis revealed that the shape of the rolling element or contact surface determined or limited the AFB's key functional capabilities (*e.g.*, load and speed), and these capabilities in turn established the boundaries of the AFB's ultimate use and customer expectations).

This analysis clearly indicates there are four classes or kinds of merchandise. Each of the four classes or kinds of merchandise has a distinct technology which produces the image as well as a distict set of physical characteristics such as power consumption, brightness, viewing angle, contrast, and weight. The combination of physical characteristics, in turn, directly determines the expectations of purchasers and the ultimate uses of each type of FPD. The functional capabilities of each type of FPD, when in combination with the expectations of the purchaser and ultimate use, almost always preclude the use of more than one technology in the same application. Except in rare instances, as noted above, each FPD technology accommodates a different set of criteria.

Rescission of Investigation With Respect to Passive-Matrix FPDs

The petition in this case was brought by Advanced Display Manufacturers of America, Planar Systems, Inc., Plasmaco, Inc., OIS Optical Imaging Systems, Inc., The Cherry Corporation, Electro-Plasma, Photonics Technology, Inc, and Magnascreen Corporation. The petition specifically coverd at least four types of high information content flat panel displays: passive-matrix LCD FPDs, active-matrix LCD FPDs, EL FPDs, and gas plasma FPDs. As discussed in the class or kind section of this notice, the Department has found four distinct classes or kinds of merchandise corresponding to these four types of FPDs. During the course of our investigation, we determined that no petitioner produces passive-matrix LCD FPDs. Since the petitioners do not produce one of the classes or kinds of merchandise, we further evaluated whether the petitioners had standing to file a petition with respect to passive-matrix LCD FPDs. This evaluation was necessary given the Department's continued obligation to evaluate the standing of petitioners. See, *Oregon Steel Mills, Inc.* v. *United States*, 862 F.2d 1541 (Fed. Cir. 1988) Accordingly, we must determine whether the petitioners have standing to file a case with respect to passive-matrix LCD FPDs.

Under section 732(b)(1) of the Act, in order to have standing to file an antidumping petition, a petitioner must be an "interested party." The term "interested party" is defined, in relevant part, as "a manufacturer, producer, or wholesaler in the United States of the "like product." Section 771(9)(C) of the Act. Therefore, in determining whether the petitioners have standing as an interested party to file a petition on passive-matrix LCD displays, the Department must determine what the like product(s) is in this proceeding.

In this regard, the Department has traditionally adopted the International Trade Commission's (ITC) definition of the like product because the ITC must define the like product for purposes of its injury determination. See, e.g., Final Determination of Sales at Less Than Fair Value: 3.5" Microdisks and Coated Media from Japan (54 FR 6433, February 10, 1989) (If ITC found more than one like product in its final determination, the Department would reconsider whether petitioner was an interested party with standing to file the petition); and Final Determination of Sales at Less Than Fair Value: Granular Polytetrafluoroethylene Resin from Italy (53 FR 26096, 26098, July 11, 1988) (The Department relied on the ITC's finding that there was one like product in establishing that petitioner had standing to bring the case). However, nothing in the statute or the regulations requires the Department to adopt the ITC's like product definition for purposes of determining whether petitioners have standing. See, *NTN Bearing Corp.* v. *United States*, 757 F.Supp. 1425, 1430 (CIT 1991), *aff'd* —— ("It is the function of the ITA to determine standing and no statute or regulation requires the ITA to defer to data used by the ITC"). Indeed, issues involving the application of the term "like product" are not new ones for the Department. The Department has defined the like product for purposes of

assessing a petitioner's standing at the time of initiation of an investigation. See, Notice of Initiation: Antidumping Duty Investigation of Tungsten Ore Concentrates From the People's Republic of China (56 FR 6835, 6836, February 20, 1991). Moreover, the Department has had to resolve questions concerning a party's status by defining the like product in cases filed pursuant to section 303 of the Act (19 U.S.C. 1303) in which an injury determination was not required. See *e.g.*, Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders; Certain Textile Mill Products and Apparel from Peru; and Rescission of Initiation of Investigations With Respect to Hand-Made Alpaca Apparel and Hand-Made Carpet and Tapestries (50 FR 9871, March 12, 1985).

Accordingly, although the Department ordinarily adopts the ITC's definition of the like product where such a definition exists, the Department has the authority to make like product determinations for purposes of determining whether a petitioner has standing to file a case. If the Department was required to adopt the ITC's like product definition for purposes of assessing a petitioner's standing in all cases, it would effectively place the issue of standing before the ITC contrary to the holdings of both the Court of Appeals for the Federal Circuit and the Court of International Trade. See, *Algoma Steel Corp.*, v. *United States*, 865 F.2d 240, 241 (Fec. Cir. 1989), *cert. denied*, 109 S.Ct. 3244 (1989); and *Gilmore Steel Corp.* v. *United States*, 585 F.Supp. 670, 676 (CIT 1984) (The Department of Commerce has the authority to terminate an investigation where a petitioner does not have standing to file a petition).

More importantly, it may be inappropriate in certain situations for the Department to rely solely on the ITC's definitions of the like product for purposes of determining a petitioner's standing, because rigid adherence to the ITC's definition may lead to results which are contrary to those intended by Congress. For example, the ITC is required to examine a U.S. industry in order to determine whether that industry is being injured by sales of the subject merchandise. Accordingly, for purposes of its injury analysis, the ITC defines the like product in a manner which ensures that there is a domestic industry producing the like product. See, High Information Content Flat Panel Displays and Subassemblies Thereof From Japan, Inv. No. 731–TA–469 (Preliminary), USITC Pub. 2311 at 6 (September 1990) and cases cited therein (ITC rejected the notion that a like product could be defined as a product not produced by a U.S. industry); S. Rep. No. 96–249, 96th Cong., 1st Sess. 90 (1979) ("The ITC will examine an industry producing the product like the imported article being investigated, but if such industry does not exist * * * then the ITC will examine an industry producing a product most similar in characteristics and uses with the imported article").

The approach used by the ITC for purposes of its injury analysis may, therefore, result in a definition of the like product which is so broad that the petitioner would qualify as a producer of the "like product," and thus have standing, but nevertheless have no legitimate stake in the outcome of the Department's investigation. This is directly contrary to the result intended by Congress. See, S. Rep. No. 96–249 at 63 ("The committee intends that the standing requirements be administered to * * * prohibit petitions filed by persons with no stake in the result of the investigation"). See, also *NTN Bearing Corp.*, 757 F. Supp. at 1428 (endorsing the language of S. Rep. No. 96–249). It also underscores why the Department must, in certain cases, define the like product in order to appropriately determine whether a petitioner has standing. Although this may result in two district definitions of the like product, one for standing purposes and one for delineating the industry to be examined by the ITC, such inconsistencies are inherent in the bifurcated system created by Congress and do not render an agency's determination contrary to law. See, *Algoma Steel Corp.* v. *United States*, 688 F. Supp. at 642–644.

In this case, the ITC preliminary determined that there was one like product consisting of all high information content flat panel displays. If the Department were to rely exclusively on the ITC's preliminary definition of the like product, the petitioners would have standing because they qualify as producers of high information content flat panel displays. However, we have reason to believe that the petitioners may not have a legitimate interest in the result of an investigation with respect to passive-matrix LCD FPDs because the petitioners do not produce this class or kind or merchandise.* In addition, we are confronted with the situation where, for purposes of its injury analysis, the ITC would be required to define the like product more broadly than "passive-matrix LCD FPDs" because there is no domestic industry producing this class or kind of merchandise. See, High Information Content Flat Panel Displays and Subassemblies Thereof From Japan, USITC Pub. 2311 at 5–6. As detailed above, it is inappropriate for the Department to adopt the ITC's like product definition in this situation because strict adherence to the ITC's definition of the like product may very well lead to a result which is contrary to that intended by Congress: a finding that petitioners have standing to bring an antidumping case but nevertheless have no legitimate interest in the outcome of the investigation. Accordingly, it is necessary for the Department to conduct a like product analysis in order to properly assess the petitioners' standing in this case.

We have examined the factors generally considered by the ITC when analyzing like product issues. These factors include: (1) Physical characteristics, (2) end uses, (3) interchangeability of products, (4) channels of distribution, (5) production processes, (6) customer or producer perceptions of the product, (7) use of common manufacturing facilities and production employees, and (8) price. No single factor is dispositive. See, *e.g.*, High Information Content Flat Panel Displays and Subassemblies Thereof from Japan, USITC Pub. 2311 at 4, n. 6.

On the basis of our analysis of these factors, for the purposes of determining whether the petitioners have standing, we have determined that FPDs constitute four like products: active-matrix LCD FPDs; passive-matrix LCD FPDs; gas plasma FPDs; and EL FPDs.

Factors (1), (2), (4), and (6) noted above are similar or identical to the Diversified criteria. We discussed these elements in detail in the "Class or Kind of Merchandise" section of this notice, where we conclude that there are substantial differences in physical characteristics, end-uses, and expectations of the ultimate purchasers, and similarities in the channels of distribution. The remaining factors are discussed below.

There is little interchangeability among the four FPD technologies. Interchangeability suggests that one product may be easily substituted for another, that is, its specifications are such that both products will serve the same purpose in their final application. The ITC noted in its preliminary determination that "[t]he record

* We note that the petitioners alleged material retardation in this case as an alternative argument in the event that the ITC failed to find material injury. However, nothing in the record of this case suggests that the petitioners could have, or would have, produced passive-matrix LCD FPDs absent Japanese sales of this merchandise.

suggests that there is also a lack of interchangeability in use even among displays of the same format and technology." (See, High Information Content Flat Panel Displays and Subassemblies Thereof from Japan, USITC Pub. 2311 at 7, n. 19. For example, to date, virtually all notebook computers incorporate passive-matrix LCD FPDs because of their relatively low power requirements, weight, and cost. In the avionics industry, gas plasma and EL FPDs are not used because of their inability to be seen in direct sunlight. Tempest computers utilize EL FPDs because of their ability to be clearly seen through a metal screen.

The petitioners cite a few examples of one technology being substituted for another in a specific application. The breadth of the information on the record indicates that these examples are the exception, not the rule. FPDs are also generally not interchangeable at the design stage. Briefs submitted by the CSMG, end-users of FPDs, show that OEMs approach FPD manufacturers with a specific set of technical specifications, including the technology, to be achieved in the design of the FPD. For instance, Apple Computer requires a crisp black-on-white display and no "submarine effect" of the cursor and text for its Macintosh Portable computer, specifications that require the use of an active-matrix LCD FPD. No other type of FPD can be substituted at the design stage when these specifications are presented to the FPD manufacturer.

The different FPD technologies use different production processes. Department staff toured seven manufacturing facilities in the United States and Japan, examining the production of each of the four types of FPDs. The methods of electrode formation, material filling, and sealing are processes unique for each of the FPD technologies. In addition, different types of FPDs cannot be manufactured on the same production line, as the production machinery is technology specific. Clean room environments must be maintained during production; however, different technologies require different clean room levels. For example, gas plasma FPD production requires a lower level of clean room (*i.e.*, Class 100) than does acive-matrix LCD FPD production (*i.e.*, Class 10). In fact, the physics associated with producing text, graphics, or video in each type of FPD is so different that they are not designed by the same engineer, produced on the same production line, or incorporated into the same application without considerable re-engineering. In our plant tours, we saw no common manufacturing facilities or sharing of production employees among the different technologies. Companies that produced more than one technology did so on different production lines with different personnel.

The record suggests that prices among the technologies differ somewhat. Passive-matrix LCD FPDs tend to be less expensive than the other technologies, although no clear trend in pricing by technology can be determined at this time.

Based on the foregoing analysis, we determine that there are clear dividing lines between these products and find four distinct like products; active-matrix LCD FPDs; passive-matrix LCD FPDs; gas plasma FPDs; and EL FPDs.

The petitioners produce three of the four like products; they do not produce passive-matrix LCD FPDs. Therefore, we determine that the petitioners are not interested parties and do not have standing with respect to an investigation of passive-matrix LCD FPDs. According, we are rescinding our initiation of investigation of passive-matrix LCD FPDs and subassemblies thereof, and we are dismissing that part of the petition upon which the rescinded initiation was based.

We note that In Focus Systems, Inc. (In Focus) has challenged the petitioners' standing in this investigation alleging that the petition was not filed "on behalf of" a U.S. industry. In Focus claims to be a U.S. manufacturer of passive-matrix LCD FPDs. Since we have determined that the petitioners do not have standing with respect to passive-matrix LCD FPDs, we need not go further and examine whether In Focus is a producer of the subject merchandise.

Such or Similar Categories

We have determined that there is one such or similar category for each class or kind of merchandise. Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of a three-tiered set of criteria developed after consulting the parties to the investigations. The set of criteria is fully explained in appendix V of the Department's questionnaire. For further discussion of the selection of such or similar categories, see the "Interested Party Comments" section of this notice.

We made adjustments for differences in the physical characteristics of the merchandise, where appropriate, in accordance with section 773(a)(4)(C) of the Act. In some instances, we adjusted cost data used for calculating differences in the physical characteristics of the merchandise, pursuant to verification findings.

Period of Investigation

The period of investigation (POI) is February 1, 1990, through July 31, 1990.

Fair Value Comparisons

To determine whether sales of FPDs from Japan to the United States were made at less than fair value, we compared the United States price to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

A. Hosiden

In calculating United States price, we used the best information available (BIA) as described in Comment 3 of the "Interested Party Comments" section of this notice. For Hosiden, we based United States price on purchase price, in accordance with section 772(b) of the Act, because all sales were made directly to unrelated parties prior to importation into the United States and because exporter's sales price (ESP) methodology was not indicated by other circumstances. We calculated purchase price based on packed, FOB customer's freight forwarder in Japan or Japan seaport prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign brokerage and handling, foreign inland freight, foreign inland insurance, palletizing, and containerization and stevedoring expense.

B. Matsushita

For Matsushita Electric Industrial Co. Ltd., and related companies (Matsushita), we based United States price on purchase price, in accordance with section 772(b) of the Act, where sales were made directly to unrelated parties prior to importation into the United States and because ESP methodology was not indicated by other circumstances. For Matsushita's sales of FPDs which it further manufactured in the United States into portable computers, we based United States price on ESP, in accordance with section 772(c) of the Act.

We calculated purchase price based on packed, FOB U.S. port or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign brokerage and handling, foreign inland freight, ocean freight, air freight, U.S. inland freight, U.S. brokerage and handling,

U.S. Customs processing fees, harbor maintenance fees, and insurance. For comparisons in which FMV was based on home market prices, in accordance with section 772(d)(1)(C) of the Act, we added to net unit price the amount of value-added tax (VAT) that is not collected by reason of exportation of the merchandise.

For ESP sales, the FPDs were incorporated into portable computers before being sold to the first unrelated party. To calculate ESP we used the packed, CIF prices of computers to unrelated purchasers in the United States, adjusted for the value added in the United States as noted below.

We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, ocean freight, air frieght, U.S. inland freight, U.S. brokerage and handling, U.S. customs processing fees, harbor maintenance fees, and insurance. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for credit expenses, warranty expenses, royalties, and indirect selling expenses. For comparisions in which FMV was based on home market prices, in accordance with section 772(d)(1)(C) of the Act, we added to net unit price the amount of VAT that is not collected by reason of exportation of the merchandise.

In addition to the aforementioned deductions, we deducted all value added to the FPD in the United States, pursuant to section 772(e)(3) of the Act. The value added consists of the costs associated with the production and sale of the computer, other than costs associated with the FPD, and a proportional amount of profit or loss related to the value added. Profit or loss was calculated by deducting from the sales price of the computer all production and selling costs incurred by the company for the computer. The total profit or loss was then allocated proportionately to all components of costs. Only the profit or loss attributable to the value added was deducted. In determining the costs incurred to produce the computer, the Department included (1) the costs of manufacture for each component; and (3) general expenses, including selling, general, and administrative expenses, research and development (R&D) expenses, and interest expenses.

We used Matsushita's data except in the following instances where the costs were not appropriately quantified or valued:

1. For the FPD, further manufactured in the United States, the cost of manufacture was adjusted to reflect the weighted-average cost incurred at two factories.

2. R&D incurred during the POI specifically for the gas plasma FPD class or kind of merchandise was calculated as a percentage of the cost of manufacture of gas plasma FPDs during the POI.

3. R&D for the class or kind of merchandise not sold during the POI was allocated over the cost of sales of the general class or kind of merchandise. R&D incurred during the 1989 fiscal year for the class or kind of merchandise not sold during the POI was used, as BIA, instead of R&D incurred during the POI, since Matsushita could only provide such data for fiscal year 1989. See the "General Comments" and "Interested Party Comments" sections of this notice for further details.

4. General and administrative (G&A) expenses were reduced for the amount of R&D re-classified to the general class or kind of merchandise.

5. R&D incurred by Matsushita Electronics Corporation (MEC) was increased due to a mathematical error made in Matsushita's response.

C. Sharp

For Sharp Corporation and related companies (Sharp), we based United States price on purchase price, in accordance with section 772(b) of the Act, where sales were made directly to unrelated parties prior to importation into the United States and because ESP methodology was not indicated by other circumstances. Where sales to the first unrelated purchaser took place after importation into the United States, we based United States price on ESP, in accordance with section 772(c) of the Act.

We calculated purchase price based on packed, ex-godown (free on dock) port of export prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign brokerage and handling, foreign inland freight, and foreign inland insurance. For comparisons in which FMV was based on home market prices, in accordance with section 772(d)(1)(C) of the Act, we added to net unit price the amount of VAT that is not collected by reason of exportation of the merchandise.

We calculated ESP based on packed, CIF prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, ocean freight, air freight, U.S. customs processing fees, U.S. inland freight, U.S. brokerage and handling, U.S. duty, and insurance. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for credit expenses, warranty expenses, advertising expenses, product liability premiums, price protection rebates, rebates for meeting competition, inventory carrying expenses, and indirect selling expenses. In accordance with section 772(e)(1) of the Act, we also deducted commissions. For comparisons in which FMV was based on home market prices, in accordance with section 772(d)(1)(C) of the Act, we added to net unit price the amount of VAT that is not collected by reason of exportation of the merchandise.

D. Toshiba

For Toshiba's sales of FPDs which it further manufactured in the United States into portable computers, we based United States price on ESP, in accordance with section 772(c) of the act. To calculate ESP we used packed, FOB prices of computers to unrelated purchasers in the United States, adjusted for the value added in the United States, as noted below.

We made deductions, where appropriate, for foreign inland freight, foreign brokerage and handling, ocean freight, air freight, U.S. inland freight, U.S. brokerage and handling, U.S. customs processing fees, and insurance. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for cash discounts, rebates, credit expenses, flooring expenses, advertising expenses, warranty expenses, royalties, price protection, inventory carrying expenses, and indirect selling expenses.

In addition to the aforementioned deductions, we deducted all value added to the FPD, pursuant to section 772(e)(3) of the Act. The value added consists of the costs associated with the production and sale of the computer, other than the costs associated with the FPD, and a proportional amount of profit or loss related to the value added. Profit or loss was calculated by deducting from the sales price of the computer all production and selling costs incurred by the company for the computer. The total profit or loss was then allocated proportionately to all components of cost. Only the profit or loss attributable to the value added was deducted.

In determining the costs incurred to produce the computer, the Department included (1) the costs of manufacture for each component, (2) movement and packing expenses for each component, and (3) general expenses, including selling, general, and administrative expenses, R&D expenses, and interest expenses.

We used Toshiba's data, except in the following instances where the costs were not appropriately quantified or valued:

1. Unconsolidated G&A expenses were calculated as a percentage of unconsolidated cost of sales. "Other expenses" were included in G&A.

2. R&D related specifically to a class or kind of merchandise was allocated over sales of the class or kind of merchandise. R&D expenses for classes or kinds of merchandise not sold during the POI were allocated over the cost of sales of the general class or kind. See the "General Comments" section of this notice for further details.

3. R&D expenses of a group laboratory were included in general R&D. General R&D expenses were reduced for expenses which were determined to be related to the general class or kind of merchandise.

4. U.S. value added costs were increased for miscellaneous material usage variances.

5. The exclusion of commissions paid for services to a related party was disallowed.

Foreign Market Value

In order to determine whether there were sufficient sales of FPDs in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales in each such or similar category to the volume of third country sales in the same such or similar category, in accordance with section 773(a)(1)(B) of the Act. Sharp, Matsushita, and Hosiden had viable home markets with respect to sales of the newly defined such or similar categories of FPDs made during the POI (*i.e.*, EL FPDs, gas plasma FPDs, and active-matrix LCD FPDs, respectively). Toshiba's home market was not viable with respect to sales of gas plasma FPDs, the only relevant such or similar category sold by Toshiba in the United States during the POI.

A. Hosiden

We calculated FMV based on constructed value (CV), in accordance with section 773(e) of the Act, because Hosiden had no sales in the home market of merchandise which could reasonably be compared to its U.S. sales according to the Department's matching criteria. The CV includes the cost of materials and fabrication of the merchandise exported to the United States, plus general expenses, profit, and packing. We used Hosiden's CV data except in the following instances where the costs were not appropriately quantified or valued:

1. The material cost variance was not used to determine the material costs; instead, the standard material cost was used as BIA.

2. Material cost was increased, using BIA, for the difference between glass used, as reflected on inventory records, and the glass used, as reflected on production records.

3. Fabrication cost was increased, using BIA, to account for an adjustment in the machine time standard for February and March, 1990.

4. The cost of manufacture was increased due to an adjustment in yields. Using BIA, the quantity input into the succeeding production stage, rather than output from each production stage, was used to calculate the yield of each stage.

5. R&D related specifically to the active-matrix LCD FPD class or kind of merchandise was allocated over sales of that class or kind of merchandise. See the "General Comments" section of this notice for further details.

6. Certain R&D that was incurred for the benefit of the active-matrix LCD FPD class or kind of merchandise but classified by Hosiden as general R&D was re-classified as R&D for that class or kind of merchandise and allocated over the cost of sales of that class or kind of merchandise.

7. Indirect selling, warranty, and credit expenses were adjusted for various discrepancies.

After the adjustments, we used actual general expenes, in accordance with section 773(e)(1)(B)(i) of the Act, because these expenses exceeded the statutory minimum of ten percent. For profit, we applied eight percent of the combined cost of materials, fabrication, and general expenses, pursuant to section 773(e)(1)(B)(ii) of the Act, because the actual amount was less than the statutory minimum of eight percent.

We made circumstance of sale adjustments for differences in credit, warranty, and technical services expenses, pursuant to 19 CFR 353.36(a) We added U.S. commissions and deducted home market indirect selling expenses up to the amount of the U.S. commissions, in accordance with 19 CFR 353.36(b).

We have recalculated Hosiden's U.S. warranty and technical services expense adjustments to reflect information discovered at verification and changes to the cost of manufacture of Hosiden's merchandise sold in the United States.

B. Matsushita

As stated in our preliminary determination, we investigated whether sales by Matsushita were made in the home market at less than the cost of production. We compared home market ex-factory sales prices to the cost of production (COP) in all cases. We found that less than 90 percent but more than 10 percent of sales were made at prices above the COP and considered only the above-cost sales as a basis for determining FMV. We disregarded below-cost sales in our analysis.

For specific products, all of which were sold below cost, we based FMV on CV, in accordance with section 773(e) of the Act.

We relied on the submitted COP and CV information, except in the following instances where the costs were not appropriately quantified or valued:

1. R&D incurred during the POI specifically for the gas plasma FPD class or kind of merchandise was calculated as a percentage of the cost of manufacture of gas plasma FPDs during the POI.

2. R&D for the class or kind of merchandise not sold during the POI was allocated over the cost of sales of the general class or kind of merchandise. R&D incurred during the 1989 fiscal year for the class or kind of merchandise not sold during the POI was used, as BIA, instead of R&D incurred during the POI, since Matsushita could only provide such data for fiscal year 1989. See the "General Comments" and "Interested Party Comments" sections of this notice for further details.

3. G&A expenses were reduced for the amount of R&D reclassified to the general class or kind of merchandise.

4. R&D incurred by MEC was increased to correct a mathematical error made in Matsushita's response.

After the adjustments, we used actual general expenses, in accordance with section 773(e)(1)(B)(i) of the Act, because they exceeded the statutory minimum of ten percent. For profit, we applied eight percent of the combined cost of materials, fabrication, and general expenses, pursuant to section 773(e)(1)(B)(ii) of the Act, because the actual figure was less than the statutory minimum of eight percent. We added U.S. packing.

Where FMV was based on home market prices, for comparisons to purchase price sales, we made deductions, where appropriate, for discounts and foreign inland freight. We made circumstance of sale adjustments, where appropriate, for differences in credit, warranty, and royalty expenses, pursuant to 19 CFR 353.56(a). We deducted home market packing costs and added U.S. packing costs. We made

a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales.

Where FMV was based on CV, for comparisons to purchase price sales, we made circumstance of sale adjustments, where appropriate, for differences in credit, warranty, and royalty expenses, pursuant to 19 CFR 353.56(a).

Where FMV was based on home market prices, for comparisons to ESP sales, we made deductions, where appropriate, for discounts and foreign inland freight. We made deductions, where appropriate, for credit, warranty, and royalty expenses. We also deducted indirect selling expenses, including inventory carrying expenses, warehousing expenses, advertising expenses, and other indirect selling expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses incurred in the U.S. market, in accordance with 19 CFR 353.56(b). We deducted home market packing costs and added U.S. packing costs. We made a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales.

Where FMV was based on CV, for comparisons to ESP sales, we made deductions, where appropriate, for credit, warranty, and royalty expenses. We also deducted indirect selling expenses, including inventory carrying expenses, warehousing expenses, advertising expenses, and other indirect selling expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses incurred in the U.S. market, in accordance with 19 CFR 353.56(b).

C. Sharp

As stated in our preliminary determination, we investigated whether sales by Sharp were made in the home market at less than the cost of production. We compared home market ex-factory sales prices to the COP in all cases. We found that less than 90 percent but more than 10 percent of sales were made at prices above the COP and considered only the above-cost sales as a basis for determining FMV. We disregarded below-cost sales in our analysis. For certain models, all of which were sold below cost, we based FMV on CV in accordance with section 773(b) of the Act. The submitted COP and CV costs were relied upon, except in the following instances, where the costs were not appropriately quantified or valued:

1. Glass material costs were increased for the difference between glass used from inventory records and glass used according to production records. Because Sharp was unable to provide the necessary data, we used, as BIA, data obtained from other respondents in these investigations.

2. Factory overhead expenses of the LCD Division which Sharp had included in its G&A calculation were reclassified and included in the cost of manufacture. These expenses were allocated over the cost of sale of the LCD Division.

3. R&D expenses related specifically to the EL FPD class or kind of merchandise were allocated over sales of the EL FPD class or kind of merchandise. R&D expenses the for classes or kinds of merchandise not sold during the POI were allocated over the cost of sales of the general class or kind. See the "General Comments" section of this notice for further details.

4. G&A expenses were allocated according to the level of the corporate organization at which they were incurred—the LCD Division, the Electronics Components Group, and Sharp Corporation.

After the adjustments, we applied the statutory minimum of ten percent for general expenses, in accordance with section 773(e)(1)(B)(i) of the Act, because the actual expenses did not exceed ten percent. For profit, we applied eight percent of the combined cost of materials, fabrication, and general expenses, pursuant to section 773(e)(1)(B)(ii) of the Act, because the actual figure was less than the statutory minimum of eight percent. We added U.S. packing.

Where FMV was based on home market prices, for comparison to purchase price sales, we made deductions, where appropriate, for cash discounts, rebates, and inland freight. We made circumstance of sale adjustments, where appropriate, for differences in credit and warranties, pursuant to 19 CFR 353.56(a). We deducted home market packing costs and added U.S. packing costs and U.S. credit expenses. We made a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales. We made the VAT adjustment based on U.S. gross price net of discounts.

Where FMV was based on home market prices, for comparison to ESP sales, we made deductions, where appropriate, for cash discounts, rebates, and inland freight. We made deductions, where appropriate, for credit and warranties. We deducted home market indirect selling expenses, which included inventory carrying expenses, product liability premiums, other indirect selling expenses, and advertising expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses and commissions incurred in the U.S. market, in accordance with 19 CFR 353.56(b). We deducted home market packing costs and added U.S. packing costs. We made a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales. We made the VAT adjustment based on U.S. gross price net of discounts.

Where FMV was based on CV, for comparisons to ESP sales, we made deductions, where appropriate, for credit and warranties. We deducted home market indirect selling expenses, which included inventory carrying expenses, product liability premiums, other indirect selling expenses, and advertising expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses and commissions incurred in the U.S. market, in accordance with 19 CFR 353.56(b). We added U.S. packing costs.

D. Toshiba

We calculated FMV based on CV, in accordance with section 773(a)(2) of the Act, because Toshiba did not have a viable home market or third country market. The CV includes the cost of materials and fabrication of the merchandise exported to the United States, as reflected in the price Toshiba paid for the FPD from an unrelated supplier, plus general expenses, profit, and packing. We used Toshiba's CV data except in the following instances where the costs were not appropriately quantified or valued:

1. Unconsolidated G&A expenses were calculated as a percentage of unconsolidated cost of sales. "Other expenses" were included in G&A.

2. R&D expenses related specifically to a class or kind of merchandise were allocated over sales of the class or kind of merchandise. R&D expenses for classes or kinds of merchandise not sold during the POI were allocated over the cost of sales of the general class or kind. See the "General Comments" section of this notice for further details.

3. R&D expenses of a group laboratory were included in general R&D. General R&D expenses were reduced for expenses which were determined to be related to the general class or kind of merchandise.

4. The exclusion of commissions paid for services to a related party was disallowed.

5. Interest expenses were reduced to avoid double counting imputed credit.

After the adjustments, we used actual general expenses, in accordance with section 773(e)(1)(B)(i) of the Act, because they exceeded the statutory minimum of ten percent. For profit, we applied eight percent of the combined cost of materials, fabrication, and general expenses, pursuant to section 773(e)(1)(B)(ii) of the Act, because the actual figure was less than the statutory minimum of eight percent. We added U.S. packing.

From CV we deducted rebates, warranties, royalties, credit, and indirect selling expenses. The deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses incurred in the U.S. market, in accordance with 19 CFR 353.56(b).

Currency Conversion

In accordance with 19 CFR 353.60, we converted foreign currency into the equivalent amount of United States currency using the official exchange rates in effect on the appropriate dates. All currency conversions were made at rates certified by the Federal Reserve Bank.

Verification

We verified the information used in making our final determination in accordance with section 776(b) of the Act. We used standard verification procedures including examination of relevant accounting records and original source documents of the respondents. Our verification results are outlined in the public versions of the verification reports which are on file in the Central Records Unit (room B–099) of the Main Commerce Building.

General Comments

Comment 1: Interested parties have suggested a number of methods for the allocation of R&D as it relates to constructed value and the cost of production. Individual respondent positions on R&D can be found in the "Interested Party Comments" section of this notice.

DOC Position: The Department's methodology for the allocation of R&D in these investigations is as follows.

In order to calculate COP and CV, the Department has allocated R&D using a two-step process. First, all class or kind-specific R&D was allocated only to all class or kind specific sales. For example, all gas plasma FPD R&D was allocated to all gas plasma FPD sales. Second, in instances where a company had R&D for a class or kind of merchandise during the POI, but no sales of the same class or kind of merchandise, that R&D expense was allocated over sales of the general class or kind of merchandise, all high information content flat panel displays, regardless of technology.

Section 773(e)(1)(B) of the Act requires the Department to include in CV an "amount for general expenses . . . equal to that usually reflected in sales of the merchandise of the same general class or kind as the merchandise under consideration." In Cellular Mobile Telephones and Subassemblies from Japan; Final Results of Antidumping Duty Administrative Review (54 FR 48011, November 20, 1989), the Department "determined to use profit and selling, general, and administrative expense (SG&A) figures for a specific product when such data was more accurate or otherwise more appropriate." In this case, it is both more accurate and more appropriate to allocate class or kind specific R&D over class or kind specific sales, wherever possible because the benefits of this R&D relate directly to sales of this class or kind of merchandise. Where this is not possible, the Department has used the next most appropriate method, that of allocating R&D over the general class or kind of merchandise.

Comment 2: The petitioners contend that the Department should define the scope of these investigations to include all subassemblies that are exclusively dedicated to or designed for use in FPDs. The petitioners state that the evidence in the record fully supports the inclusion of all such subassemblies, as expressed in the petition, rather than only "processed glass substrates, whether or not integrated with additional components," as the Department preliminarily determined. The petitioners maintain that the petition satisfied the requirements for initiation of a case involving all subassemblies, that precedent holds that there is a presumption that the products described in the petition are within the class or kind of merchandise subject to these investigations, and that the Department "has neither stated that the petition is insufficient or unsatisfactory in any respect, nor cited evidence in the record that would support such a finding." The petitioners state that they manufacture all of the subassemblies identified in the petition, that such subassemblies are the same class or kind of merchandise as complete FPDs, and that the inclusion of all such subassemblies is necessary to prevent circumvention of any ensuing antidumping duty order.

The petitioners state that in altering the scope of these investigations, the Department only cited concerns regarding potential disruption of trade in many electronic components and regarding the administrability of any ensuing antidumping duty order. The petitioners contend that the "exclusively dedicated to or designed for use" standard responds to both of those concerns, and is consistent with administrative practice in cases involving imports of subassemblies (e.g., Final Determination of Sales at Less Than Fair Value: Certain Small Business Telephone Systems and Subassemblies Thereof from Japan (54 FR 42541, October 17, 1989)). The petitioners state that their clear intent throughout the investigations has been to include all of the aforementioned subassemblies. The petitioners conclude, citing *NTN Bearing Corp. of America* v. *United States*, 14 CIT _____, 747 F. Supp. 726, 730 (1990), that "absent record evidence requiring a contrary conclusion, the Department is statutorily obliged to insure that the proceedings are maintained in a form which corresponds to the petitioner's clearly evinced intent and purpose."

The CSMG contends that the Department should use its inherent authority to redefine and clarify the parameters of its investigations to exclude all subassemblies from the scope of the investigations, including glass substrates. CSMG states that there is no claim of dumping of these subassemblies, that subassemblies are not being imported, and that the petitioners state that is no market for subassemblies. CSMG maintains that fears of circumvention of any ensuing antidumping duty order are insufficient justification for including subassemblies, and that the anti-circumvention provision of the Omnibus Trade and Competitiveness Act of 1988 provides ample protection for the domestic industry. CSMG further states that the petitioners have failed to adequately describe the subassemblies they want included in the scope of the investigations, that it is doubtful that the petitioners are representative of the U.S. industry that manufactures parts or subassemblies of FPDs, and, therefore, that the petitioners have failed to meet their legal burden and provide information that would enable the Department to conduct thorough investigations. CSMG stated that if glass substrates remain within the scope of the investigations, glass substrates should be properly defined to include only patterned glass with electro-optical material incorporated, since that definition is technologically appropriate and administratively feasible.

In Focus contends that the Department should exclude from the scope of the investigations the processed glass substrates purchased by

In Focus for use in manufacturing color FPDs. In Focus states that such a step would reflect the differences in manufacturing processes among companies and that the petitioners' proposed scope of investigation is carefully crafted to exclude glass which the petitioners import, while including glass which the petitioners' domestic competitors import.

Texas Instruments Incorporated (TI) contends that the Department should continue to exclude drive and control electronics from the scope of the investigations, and that if the Department includes such electronics in the scope of the investigations, the petitioners do not have standing to initiate antidumping investigations with respect to such electronics, as TI represents the majority of the domestic industry producing driver integrated circuits and control electronics. TI believes that drive and control electronics are, in general, not "exclusively dedicated to or designed for use in" FPDs. Drive electronics, by their very nature, were usable in both high and low information content flat panel displays. TI adds that the petitioner's revised definitions of drive electronics, as reflected in the petitioners' case brief, are neither clear nor adequately specific. TI also states that many products perform the function of control electronics for FPDs, but that these products can also be used with cathode ray tube displays and other non-FPD applications.

Toshiba contends that the Department should not redefine the scope of the investigations to include subassemblies that are exclusively dedicated to, or designed for, use in FPDs. Toshiba expresses concern that such a redefinition would lead to significant administrative and commercial problems regarding the importation of other electronic components.

DOC Position: We find that the continued inclusion in the scope of the investigations of display glass, as defined in the "Scope of Investigations" section of this notice, is warranted, given the apparent exclusion dedication of that subassembly and the fact that it represents that essential character of an FPD. The technology used by an FPD is defined by the technology of the display glass and, therefore, the basic technical characteristics of the completed FPD are also defined by the display glass. In addition, the selection of the other components is a function of the display technology, which is determined by the type of display glass.

In addition to the display glass, the petitioners request that other subassemblies of an FPD be included in the scope of investigations. The petitioners name as subassemblies: Drive electronics; control electronics, mechanical package, and power supply. We find that the evidence on the record does not support the inclusion of these other subassemblied in the scope of investigations for the reasons set forth below.

The aforementioned subassemblies are not adequately defined. For example, the petitioners state that they do not wish to include "driver integrated circuits" (ICs) but wish to include "driver electronics." The petitioners distinguish between these items as follows: "when driver ICs and other parts are joined together in a certain fashion * * * they become a subassembly within the requested scope." See, Letter from Paul Rosenthal to Secretary, May 30, 1991, at 12. The petitioners definition is so ambiguous that it would be administratively impossible for the U.S. Customs Service to identify a covered subassembly. In the case of driver electronics, Customs would need to know the number of ICs that constitute driver electronics, as well a clear identification of the "other parts" necessary for the item to qualify as a subassembly. Furthermore, Customs would be required to determine the "certain fashion" of assembly required for the product to be included in the scope of investigations.

The petitioners' principal concern appears to be that failure to include subassemblies in the scope of investigations would result in circumvention of any import relief granted in the investigations. The petitioners argue that subassemblies can be assembled into a completed FPD easily, quickly, and at no great expense. The Omnibus Trade and Competitiveness Act of 1988 amended the Tariff Act of 1930 to include new section 781, which specifically addresses the issue of circumvention. If the petitioners discover evidence that circumvention of any ensuing antidumping duty order is occurring, they may file for relief under section 781 of the Act.

Comment 3: Mitsui contends that it imports computer systems from Japan which incorporate an FPD in their system hardware. Mitsui states that its transactions involve the sale and subsequent importation of a computer system, and not the purchase of components, such as an FPD. All of the components of the systems which it imports are designed and dedicated for use together. Mitsui maintains that transactions involving computer systems, by their nature, do not involve the sale of subject merchandise to the United States. Such transactions, therefore, are beyond the scope of these investigations. Mitsui also states that although U.S. Customs classifies the subassembly containing the FPD as a display, Customs looks only at the condition of merchandise at the time of importation, while the Department must make determinations based on the class or kind of merchandise sold. Mitsui maintains that it sells computer systems. Finally, Mitsui states that, since its shipments of computer systems began long before the beginning of this case, its shipments were not designed to circumvent antidumping duties on FPDs.

Toshiba urges that the Department accept the position advocated by Mitsui.

The petitioners contend that the Department in its preliminary determination properly included in the scope of these investigations FPDs imported in shipments with other computer subassemblies. The petitioners state that the failure to include such subassemblies in the scope of these investigations would create a loophole enabling importers to circumvent an antidumping duty order.

DOC Position: We disagree with Mitsui. Mitsui's contention that the finished product (*i.e.*, the computer) is treated by the OEM as an integrated entirety and all components are designed for a specific and singular end-use is not dispositive of whether merchandise is within the scope of an investigation. Mitsui clearly sells a collection of components to the OEM, one of which is indisputably an FPD. Nor is the fact that Mitsui's FPDs are imported in shipments with other computer subassemblies controlling. As the Department determined in Final Determination of Sales at Less Than Fair Value: Color Picture Tubes From Japan (52 FR 44171, November 18, 1987), the mere fact that additional components may be entered at the same time as the subject merchandise does not change the fact that the subject merchandise is being imported and potentially dumped. Furthermore, the Department continues to find the rulings of the U.S. Customs Service on this matter instructive. Three rulings, issued in 1988, 1989, and 1990, determined that shipments of FPDs by Mitsui "do not represent an unassembled computer," but rather were properly classified as "display units without cathode ray tube, having a visual display diagonal not exceeding 30.5 centimeters," under HTS 8471.92.3000.

Therefore, we determine that the importation of FPDs, as described by Mitsui, are subject to these investigations so long as those FPDs are

active-matrix LCD FPDs or EL FPDs. We have rescinded the investigation with respect to passive-matrix LCD FPDs and have found no sales at less than fair value of gas plasma FPDs.

Interested Party Comments

A. Hosiden

Comment 1: Hosiden contends that the Department improperly used constructed value as the basis for FMV, rather than appropriate, available, and verified third country sales data. The Department found that Hosiden's home market is viable but that Hosiden had no sales of "such or similar merchandise" in its home market because the home market sales failed to meet the Department's Tier 1 matching criteria. Hosiden submits that these findings are logically inconsistent and legally insupportable. Hosiden concludes that the Department's Tier 1 criteria preclude its home market sales from being such or similar to its U.S. sales, and therefore that its home market cannot be viable.

Hosiden argues that in the absence of a viable home market there is a clear statutory and regulatory preference for the use of third country sales, rather than constructed value, for FMV. Hosiden cites Final Results of Antidumping Duty Administrative Review: Color Television Receivers, Except for Video Monitors from Taiwan (53 FR 49714, December 9, 1988), where the Department stated that "[i]t is our policy, based on the legislative history of the 1979 [Trade Agreements] Act, to use third country sales, where possible, rather than constructed value as a basis for comparison in determining foreign market value."

Hosiden also cites Final Determination of Sales at Less Than Fair Value: Motorcycle Batteries from Taiwan (47 FR 9267, March 4, 1982), where the home market was technically viable but, based on the substantial dissimilarity betwen the merchandise sold in the home market and in the United States, the Department used third country sales for comparison to all but one U.S. model. Hosiden states that it has no home market models comparable to those sold in the United States.

Hosiden further cites Final Determination of Sales at Less Than Fair Value: Small Business Telephone Systems and Subassemblies Thereof from Korea (54 FR 53141, 53150, December 27, 1989) where the Department stated that it is a reasonable exercise of its discretion under the law to use third country sales rather than constructed value, even when the home market has been determined to be viable.

Hosiden states that it has reported to the Department substantial sales to one third country of merchandise identical to that sold to the United States, with these third country sales forming the most appropriate basis for comparison to U.S. sales.

The petitioners contend that selection of constructed value for FMV is the only choice that results in a fair comparison of prices in different markets. The petitioners state that Hosiden's third-country sales were made pursuant to the same contract as the U.S. sales and the petitioners conclude that the U.S. and third-country sales were not unique transactions capable of comparison with each other, but simply one sale with shipments going to two different destinations.

DOC Position: We calculated FMV for Hosiden based on constructed value because: (1) Hosiden's home market is viable; and (2) Hosiden made no sales in the home market that were comparable to its U.S. sales.

Section 773(a)(1) of the Act states that FMV "shall be the price * * * at which such or similar merchandise is sold * * * in the principal markets of the country from which exported" unless "the quantity sold for home consumption is so small in relation to the quantities sold * * * to countries other than the United States as to form an inadequate basis for comparison." The determination of whether home market sales are "so small" as to be "inadequate" is commonly referred to as the "viability test."

The viability test calls for a comparison of the quantity of sales in the home market with the quantity sold to third countries. If that ratio is too small (normally, below five percent), then the Department considers home market sales to constitute an "inadequate basis for comparison" and calculates FMV based on sales to a third country or based on constructed value. See, 19 CFR 353.48.

In our preliminary determination, we found that all FPDs constituted a single class or kind of merchandise with three such or similar categories (*i.e.*, LCD, EL, and gas plasma FPDs). As an initial step in analyzing Hosiden's data, we found that Hosiden was viable with respect to the such or similar category that it produced for sale to the United States, LCDs.

Despite the redefinition of the classes or kinds of merchandise and the such or similar categories, Hosiden remains viable when the viability test is performed on the basis of the redefined class or kind of merchandise (and such or similar category) that Hosiden sells to the United States—active-matrix LCD FPDs. The viability test shows that there was a significant volume of active-matrix LCD FPD sales in the home market compared to sales of such or similar merchandise in third countries.

Prior to issuing the questionnaire in these investigations, we solicited comments from interested parties regarding the criteria that should be used for the selection of the most similar home market products for comparison to U.S. sales. Based on these comments, we established "matching criteria" in appendix V of our questionnaire. No parties objected to the appendix V matching criteria.

Based on the criteria established in Tier I of appendix V, Hosiden had no sales in the home market that were sufficiently similar to its U.S. sales to allow comparison. Hosiden contends that under these circumstances, it cannot, by definition, be viable and that therefore the Department must use third country sales to calculate FMV. See, H.R. Rept. No. 1261, 85th Congress, 2d Sess. (1958), at 8.

Hosiden confuses the purpose of the viability test and the purpose of the matching criteria. The policy underlying the viability test is to ensure that the market in which price comparisons are being performed is adequate and appropriate. The viability test is not intended to measure precise quantities of sales of each individual product model; rather, it is intended to provide a guideline, early in the investigation, as to the existence of a reasonable level of market activity. Matching criteria, on the other hand, are intended to ensure that each U.S. sale is matched to the most similar home market sale, as well as to define when sales are sufficiently dissimilar that they may not be compared once home market viability has been established.

The viability test is often performed using the same groupings of merchandise used for price comparisons. However, these two groups need not be identical, as long as the first group (those transactions used for the viability test) provides a reasonable indication of the level of activity in the home market and the second group (those transactions used for specific price comparisons) contain sales that can properly be compared with those in the United States.

In those instances where sales in the home market are viable but nevertheless cannot be properly compared with sales to the United States, however, the Department has traditionaly based FMV on CV. See, *e.g.*, Final Results of

Antidumping Duty Administrative Review: Forged Steel Crankshafts from the United Kingdom (55 FR 48880, November 23, 1990) (ITA used CV as the basis for FMV where the ITA could not adjust for the differences between the twisted and untwisted crankshafts. ITA also used CV as the basis for FMV where ITA identified comparable home market products but was unable to find contemporaneous sales); and Final Determination of Sales at Less Than Fair Value: Small Business Telephone Systems from Korea (54 FR 53141, December 27, 1989) (Although home market was viable, where merchandise was regarded as dissimilar due to substantial difference in merchandise adjustments, ITA used CV).

The conclusions reached by the Department in the cases cited by Hosiden were based upon an entirely different set of circumstances than are present in this case and these cases do not support the proposition for which they are cited. In both Small Business Telephone Systems from Korea and Motorcycle Batteries from Taiwan, the department determined that although the home market met the five percent test, the volume of sales in the home market was so small compared to U.S. sales that it was not appropriate to consider it "viable."

Comment 2: The petitioners contend that the Department should include fixed warranty costs in Hosiden's indirect selling expenses.

Hosiden responds that the petitioners have blindly adopted an error in the constructed value verification report, and that U.S. indirect selling expenses are irrelevant for Hosiden's sales, which were all on a purchase price basis.

DOC Position: We agree with the petitioners. Hosiden stated at verification that the fixed portion of warranty costs was not included in indirect selling expenses. Indirect selling expenses are relevant, given the inclusion of such expenses for the home market in the CV. Therefore, we have adjusted Hosiden's indirect selling expense figures to include home market fixed warranty costs.

Comment 3: Hosiden contends that its date of sale methodology for U.S. sales is correct, with its selection of change order (CO) dates accurately reflecting the dates on which the essential terms of the transactions were fixed. The CO is issued by a customer to alter the terms of a preceding purchase order (PO) (*e.g.*, price, quantity, delivery date).

The petitioners contend that the appropriate dates of sale for Hosiden are the dates on which the price and quantity terms of the transactions were no longer subject to modification, and that those terms were still subject to modification after at least one change order date claimed by Hosiden as date of sale.

DOC Position: After a thorough review of information submitted on the record and information obtained at verification, we determine that the proper date of sale is the invoice date (*i.e.*, shipment date). It is the Department's practice to determine the date of sale as the date on which the essential terms of the sale, specifically, price and quantity, are finalized. See, Final Determination of Sales at Less Than Fair Value: Grey Portland Cement and Clinker from Japan (56 FR 12156, 12163, March 22, 1991). Although the material terms of sale are included in the POs and COs, the terms of sale are not final until shipment. For at least half of the COs claimed by Hosiden as dates of sale, changes to essential terms of sale occurred after some shipments had been made pursuant to the COs. That these changes can and do occur up to the shipment date indicates that the POs and COs do not finally set the terms of sale. Therefore, we have used the invoice date (*i.e.*, shipment date) as the date of sale. (See, Final Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose from the Federal Republic of Germany (55 FR 21058, 21059 May 22, 1990) (The Department determined that the terms of sale were not set at the purchase order date where changes were made to price and quantity up until the date of shipment.

Accordingly, the Department used the date of shipment as the date of sale.))

At verification we examined sales reported by Hosiden (*i.e.*, sales made pursuant to POs or COs issued during the POI). We did not examine in detail information regarding shipments made during the POI pursuant to POs or COs issued prior to the POI. Therefore, as BIA, we have based our margin calculation only on sales reported by Hosiden and examined in detail at verification.

Comment 4: The petitioners contend that the Department should reject Hosiden's home market warranty expense claim because Hosiden overstated its home market warranty expenses by assuming that all home market units returned were scrapped and because the cost of manufacture data used to calculate per-unit warranty expenses for certain home market models do not agree with the per-unit manufacturing cost that Hosiden reported at the cost verification.

Hosiden replies that its methodology used conservative assumptions since actual data were not available at the time of its response, and that any overstatement of home market warranty expenses would be to Hosiden's detriment in a constructed value situation.

DOC Position: We agree with the petitioners that certain manufacturing costs used to calculate the home market warranty expense do not agree with manufacturing cost information presented during the cost verification. Therefore, we have recalculated Hosiden's home market warranty expense claim by including the manufacturing costs that were inappropriately excluded.

Comment 5: The petitioners contend that the Department should recalculate Hosiden's U.S. warranty and technical service expense factors based on FPDs sold during the POI, rather than FPDs invoiced during the POI.

Hosiden contends that the Department has traditionally accepted the value of shipments during the POI as the denominator for circumstance of sale adjustments, notwithstanding that the date of sale is not based on date of shipment.

DOC Position: Given that we are now using invoice date as date of sale, it is appropriate to use shipments invoiced during the POI as a basis for allocating these expense.

Comment 6: Hosiden contends that its technical service expenses properly exclude travel expenses incurred by sales personnel.

The petitioners contend that the sales personnel attended a meeting relating to technical service, in one instance, and that the sales personnel's visit coincided with the visit of technical service personnel in another instance. Therefore, the travel expenses for sales personnel for these visits should be classified as technical service expenses.

DOC Position: We agree with Hosiden. There is no evidence on the record to suggest that Hosiden's sales personnel performed any technical service functions.

Comment 7: The petitioners contend that Hosiden incorrectly excluded from technical service expenses a large percentage of travel costs related to visits to U.S. customers.

Hosiden contends that it correctly calculated its U.S. technical service expenses.

DOC Position: We agree with Hosiden. The schedules of visits to U.S. customers by Hosiden's technical service personnel were examined at verification, and we have no reason to believe that the allocation of expenses for these personnel is unreasonable or distortive.

Comment 8: Hosiden contends that the Department improperly required Hosiden to report home market direct selling expenses for constructed value. Hosiden states that "binding precedent" requires the Department to use U.S. direct selling expenses as a "proxy" for home market direct selling expenses, a policy established in Final Determination of Sales at Less Than Fair Value: Cell Site Transceivers from Japan (49 FR 43080, 43084, October 26, 1984). Hosiden emphasizes that it had no sales of comparable merchandise in the home market and that direct selling expenses for its home market products are not representative because they relate to products which are too different from those sold in the United States.

The petitioners contend that the Department's requirement is supported by the Department's precedent (*e.g.*, Final Determination of Sales at Less Than Fair Value: Mechanical Transfer Presses from Japan (55 FR 335, 345, January 4, 1990)).

DOC Position: We agree with the petitioners. The Act addresses this point specifically: "the constructed value of imported merchandise shall be the sum of * * * an amount for general expenses [*i.e.*, selling, general, and administrative expenses] and profit equal to that usually reflected in sales of merchandise of the same general class or kind as the merchandise under consideration which are made by producers *in the country of exportation* * * *." (section 773(e)(B) of the Act (emphasis added)). Cases cited by Hosiden in which the Department did not use home market direct selling expenses involved exceptional circumstances in which the Department was unable to use such expenses. No exceptional circumstances existed in this case, and the Act clearly required the Department to use Hosiden's home market direct selling expenses. Therefore, we have used home market direct selling expenses in our calculations for the class or kind of merchandise sold in the United States (*i.e.*, active-matrix LCD FPDs).

Comment 9: The petitioners contend that the Department should use BIA to determine the constructed value of Hosiden's U.S. sales because Hosiden failed to submit a timely response to the Department's questionnaire and failed to provide a response in the form required by the Department. The petitioners maintain that it is well-established Department policy not to allow new responses to be filed after the preliminary determination and during verification because there is insufficient time for proper analysis and verification by the Department. The petitioners state that Hosiden's proposed revisions to its constructed value response submitted during verification were properly rejected by the Department. Finally, the petitioners state that, during verification, the Department discovered numerous inconsistencies in Hosiden's March 1, 1991, submission which, along with problems with Hosiden's submissions at verification, warrant the use of BIA.

Hosiden contends that the revisions to the constructed value proffered at verification were not new information and did not materially alter prior responses. Additionally, Hosiden claims that the methodology used for the cost of manufacturing calculation in both of the worksheets not accepted at verification by the Department and the January 4, 1991, submission were tested and verified by the Department. Finally, Hosiden contends that the revised submissions should not have been rejected because the Department's regulations which requires respondents to submit factual information "seven days before the scheduled date at which the verification is to commence" (19 CFR 353.31(a)(1)(i)) apply only to new information.

DOC Position: We agree with the petitioners in part. During verification the Department held to its well-established policy of not accepting new information or information that would substantially alter the submission and properly did not accept Hosiden's proposed revisions to its submissions. As stated in 19 CFR 353.36(c), the purpose of verification is "to verify the accuracy and completeness of *submitted* factual information." (Emphasis added) New or revised data that is submitted during verification is not necessarily subject to verification because it may substantially alter the prior submission, and/or the Department may not have sufficient time to properly analyze the information. We used the information submitted by Hosiden prior to verification as the basis for calculating CV. The information submitted by the respondent, except for those areas that were adjusted in the final results, was verified to a degree which did not warrant total rejection of the information. See the "Foreign Market Value" section of this notice for further details of adjustments to Hosiden's data.

Comment 10: The petitioners contend that the Department should reject Hosiden's constructed value data and use BIA, because Hosiden calculated a material cost variance from calculations that included high information content and low information content active-matrix LCD FPDs. By including costs associated with the production of low information content FPDs, Hosiden understated the actual costs it incurred to manufacture the high information content FPDs sold in the United States.

Hosiden maintains that the calculation of the material cost variance is proper because both the low information content and high information content active-matrix LCD FPDs were made on the same production lines.

DOC Position: We have used Hosiden's CV data but have rejected Hosiden's calculation of the material cost variance. The material cost variance, calculated only for the purpose of this investigation, was incorrect and appears to understate actual material cost per unit. The standard material cost that was applied to all inputs did not recognize the difference between units intended to be completed for sale and units intended for analytical testing, thus overstating the total of the standard costs for all inputs and creating a favorable variance calculation. While this understatement of actual material cost was not a sufficient basis to reject Hosiden's entire response, it did require us to use partial BIA. As BIA, we used the standard material cost per input as adjusted for the actual production yields for the product sold in the United States and did not adjust these costs for Hosiden's calculated material variance.

Comment 11: The petitioners claim production yields for the subject merchandise were overstated because:

(1) Hosiden failed to include in its yield calculations mother glass panels used for routine testing purposes; and

(2) The number of mother glass panels issued to production based on inventory records does not agree with the number of panels issued according to the production records.

Hosiden contends that it has captured the costs of glass units used for routine testing in its cost of manufacture calculation by the adjustment of the material cost variance. Hosiden also maintains that the difference between inventory and production records which could not be reconciled is likely attributable to changes in inventory due to the fiscal year-end inventory count adjustments.

DOC Position: We agree with the petitioners. The Department discovered at verification that the total quantities of mother glass reported as input into production used for the calculation in the submission did not reconcile to the total quantities of mother glass used from Hosiden's inventory records.

Because the Department rejected the material cost variance calculation, the costs of routine glass testing and unreconciled glass were not included in CV; thus, as BIA, the Department adjusted the material costs to include the cost of mother glass used for routine testing and the unreconciled quantity of glass from inventory. See, also, DOC Response to Comment 1 above.

Comment 12: The petitioners argue that Hosiden overstated its production yields for the subject merchandise by improperly reporting good output at the end of each production stage although there was a substantial difference between the output of one production stage and the input into the next stage.

Hosiden contends that the yields calculated in the cost verification exhibits are based on the ratio of the number of output units of each product from each production stage to the number of inputs from the same stage adjusted for work in process.

DOC Position: We agree with the petitioners. Due to the discrepancies in the verification exhibits presented by Hosiden in reporting FPDs that were used for analytical testing and the contradictory information on the record regarding the nature of the processing of these units, as BIA, we have based the yield calculation for each production stage on the number of units input into the succeeding stage.

Comment 13: The petitioners contend that the Department should reject Hosiden's cost of manufacture data because the Department found at verification that the worksheets used to prepare Hosiden's questionnaire response did not reconcile to its daily production and inventory records.

Hosiden claims that the Department's conclusion in the cost verification report that the monthly production summary reports did not reconcile to the daily production and inventory records is the result of the Department's misunderstanding of the format of, and data in, the verification exhibit. Hosiden maintains that had the Department added the proper column on the verification exhibit, it would have found no discrepancy between the daily and monthly report data.

DOC Position: Hosiden did not present a clear explanation at verification of certain documents. However, after analyzing a complete translation and examining the explanation in Hosiden's case brief, we agree that the daily production data does reconcile.

Comment 14: The petitioners contend that Hosiden failed to include yields on common glass panels in overall yield data, thus understating the cost of manufacturing.

Hosiden maintains that the petitioners' claim should be rejected because common glass is not product specific to the panel stage and, moreover, the Department found no discrepancies concerning this issue in Hosiden's monthly and daily factory yield reports.

DOC Position: We agree with Hosiden. For the submission, Hosiden applied the model-specific yield incurred on array mother glass to the common mother glass used in each model. Thus, with regard to common glass, all relevant costs were properly included in Hosiden's submissions.

Comment 15: The petitioners claim that Hosiden's cost of manufacturing data are unreliable, and thus cannot be used by the Department in the final analysis, because the cost of manufacturing information is different in the home market warranty portion of the sales verification and the profit portion of the cost verification.

Hosiden holds that the sales price of the model in question on the home market warranty verification exhibit was used as a conservative proxy for its cost of manufacture. Hosiden explains that a proxy was used because the cost of manufacture calculations for this model had not been completed at the time of the submission of Hosiden's home market direct selling expenses.

DOC Position: We have recalculated Hosiden's home market warranty expense adjustment to include manufacturing costs improperly excluded by Hosiden. *See,* DOC Response to Comment 4 above. However, we find no reason to reject Hosiden's model-by-model manufacturing costs.

Comment 16: The petitioners contend that thin-film transistor R&D costs incurred for other active-matrix LCD FPDs produced, but not sold in the United States, during the POI, should be allocated to the model sold in the United States. The petitioners state that information gathered at verification shows that this R&D could benefit the particular FPD sold in the United States.

Hosiden maintains that although general knowledge and experience gained on one project may have an indirect beneficial effect on other contemporaneous or future projects, the extent of any overlap must be precisely defined. Under any circumstances, this overlap must be confined to product line R&D activities and expenses. Hosiden claims that the product sold in the United States is not of the same product line as the other active-matrix LCD FPDs because, according to the Department's matching criteria, none are such or similar to the product sold in the United States.

DOC Position: We have allocated all R&D incurred for a specific class or kind of merchandise (active-matrix LCD FPDs) over sales of the same class or kind of merchandise. The R&D incurred for active-matrix LCD FPDs included some expenses for low information content FPDs; however, Hosiden was unable to separate these from high information content FPDs. The Department has considered all R&D for active-matrix LCD FPDs to be related to high information content FPDs and has allocated such expenses to the cost of goods sold of high information content active-matrix LCD FPDs. See the "General Comments" section of this notice for further details.

Comment 17: The petitioners contend that the Department should increase Hosiden's model-specific R&D costs by including additional costs, incurred during prior years, which were uncovered during verification.

Hosiden maintains that revisions to its R&D data, to include additional historic costs and update a customer's forecasts for future purchases, were proper and timely because it provided the most accurate information regarding actual events occurring subsequent to the submission. This information affected the distribution of product specific R&D expenses to the merchandise sold in the United States.

DOC Position: As stated above, we have treated all R&D incurred in fiscal year 1989 for active-matrix LCD FPDs as related to high information content active-matrix LCD FPDs and have allocated such costs to the class or kind. Because of the "slice-of time" approach used in investigations, R&D incurred in prior years was not included in the CV for the final determination. Thus, it was unnecessary to adjust for additional prior-year R&D.

Comment 18: The petitioners contend that the Department should adjust Hosiden's R&D to include all expenses incurred by the R&D Center which were related to FPDs.

Hosiden claims that the record shows that Hosiden's R&D analysis and methodology was meticulously reviewed and verified by the Department.

DOC Position: We agree with the petitioners and have considered the R&S for Technical Administration to be R&D overhead related to active-matrix LCD FPD and not general R&D as it was classified in the submission. R&D overhead expenses for the R&D Division, R&D Administration and General Affairs that were classified as

general expenses were also considered by the Department to be R&D overhead and were allocated to all LCD products based on cost of sales. Hosiden allocated R&D to the cost of sales of LCD products. Such costs benefit two classes or kinds of merchandise, passive-matrix LCD FPDs and active-matrix LCD FPDs. Because Hosiden was unable to separately quantify the benefit to each class or kind of merchandise, as BIA, we have allocated such R&D to the combined cost of sales.

Comment 19: The petitioners contend that production coordination expenses should be classified as a manufacturing cost rather than general and administrative expenses. Such costs are incurred to schedule and coordinate production, are incurred as a direct result of manufacturing activity, and are necessary to coordinate factory operations.

Hosiden maintains that the costs of the Production Coordination Department functions are headquarters administrative expenses and not manufacturing costs. The manufacturing, forecasting, planning and administration of the production operations for liquid crystal displays occur at the production plants. Finally, production coordination costs are classified on Hosiden's financial statements as part of selling, general and administrative expenses.

DOC Position: We agree with Hosiden and have not re-classified these expenses. The costs of production coordination are properly included in the general expenses because they are incurred to support the entire company's operations.

Comment 20: The petitioners claim Hosiden's interest expenses should be recalculated based on instructions in the Department's questionnaire, *i.e.*, interest expense less short-term interest income should be reduced by the ratio of accounts receivable to total assets. Hosiden's interest expense rate is understated because it reduced interest expense by the accounts receivable ratio before deducting the full interest income amount.

Hosiden contends that its calculation is correct because the imputed credit calculation does not take into account interest income.

DOC Position: We agree with the petitioners. Therefore, we have recalculated net interest expense so that it reflects the actual short-term financing incurred by the company.

Comment 21: The petitioners contend that the enterprise tax is a general cost of Hosiden's operating activities and should be included in Hosiden's general expenses

Hosiden contends that the enterprise tax in Japan is levied on the basis of corporate income which is unrelated to cost of production and therefore should not be included in general expenses for purposes of calculating constructed value.

DOC Position: We agree with Hosiden. Although the taxes are considered an operating expense and classified as SG&A on the financial statements, the amount of this tax is determined based on the level of income of the corporation. The Department does not consider income taxes based on the aggregate profit/loss of the corporation to be a cost of producing the product. (See, e.g., Final Results of Antidumping Duty Administrative Review; Color Picture Tubes from Japan (55 FR 37915, September 14, 1990).) Therefore, we have excluded such taxes for purposes of this determination.

B. Matsushita

Comment 22: The petitioners claim that Matsushita improperly included in its home market advertising expenses a markup charged by a related party. The petitioners state that the expenses should be reduced by the amount of the markup.

Matsushita contends that although its advertising expense claim includes a markup charged by a related party, the claim is reasonable because the markup reflects the expenses incurred by the related party in procuring the advertising and because the final amounts paid to the related party are similar to prices charged by unrelated suppliers on the open market.

DOC Position: We agree with the petitioners. Matsushita's home market advertising expense should be based on the prices which Matsushita paid to unrelated parties rather than on prices paid by one Matsushita unit to another. At verification, we requested that Matsushita provide information on advertising expenses paid to unrelated parties. Matsushita provided this information for only one advertisement during the POI. We have accepted Matsushita's advertising claim with respect to this advertisement. We did not adjust Matsushita's FMV for the advertising expenses for which Matsushita was unable to provide any information regarding the price paid to unrelated parties because we have no evidence to suggest that the mark-up charged by the related company on the single verified advertising claim is similar to the mark-up charged on other advertisements.

Comment 23: The petitioners contend that Matsushita improperly divided advertising expenses for Matsushita Electric Industrial (MEI) Corporate International Industry Sales Division (CIISD) by a value based on transfer prices, rather than prices to the first unrelated customer. The petitioners maintain that prices to the first unrelated customer should be used.

Matsushita contends that its calculation of the denominator for this factor is now based entirely on sales to unrelated parties.

DOC Position: We agree with Matsushita that its calculation of the denominator for this expense, while formerly including some transfer price values, is now properly based on sales prices to unrelated parties.

Comment 24: The petitioners state that Matsushita improperly included in its home market advertising claim expenses for a trade show which benefitted U.S. and third country sales, as well as home market sales. Costs for such trade shows should be allocated to all FPD sales.

Matsushita states that expenses for the trade show in question, held in Tokyo, should be allocated only to home market sales because in the past the Department has attributed expenses to the market in which the show was held. The show was inarguably focused on the Japanese industry.

DOC Position: We agree with Matsushita that expenses for its Tokyo trade show should be allocated solely to home market sales, because the show was held in Japan and was intended to promote products in the Japanese market.

Comment 25: The petitioners contend that the Department should reject Matsushita's home market warranty expense claim because:

(1) Matsushita failed to exclude from this expense the costs of returned units which were charged to customers;

(2) Matsushita's home market warranty expense includes expenses for all markets;

(3) Matsushita submitted two revised warranty expense claims during verification; and

(4) The Department did not verify documents relating to Matsushita's actual warranty expenses.

Matsushita contends that the Department should allow its home market warranty expense claim because:

(1) It did not include the cost of returned units that were charged to customers;

(2) Although the numerator for the warranty expense factor includes expenses for other markets, the denominator includes sales to all markets (Matsushita's records do not

permit a separation of the markets, and it performed the only reasonable allocation permitted by its records);

(3) All information included in the revised warranty calculation was placed on the record in advance of verification in timely responses to the Department's requests for information; and

(4) The costs of manufacture used in the home market warranty calculation were fully verified during the cost verification.

DOC Position: We agree with Matsushita and have accepted its warranty calculation because we verified that its statement of the facts surrounding the warranty claim are correct.

Comment 26: The petitioners contend that the Department should disallow Matsushita's claimed home market freight costs on shipments from Industry Sales Office (ISO) warehouses to customers because Matsushita claimed such costs for all home market shipments, including those which did not go through ISO warehouses.

Matsushita contends that its method for calculating this expense is accurate and reasonable, and has been accepted by the Department in previous investigations. The calculation of this expense on a shipment-by-shipment basis would be excessively difficult and burdensome. Instead Matsushita has calculated an average freight cost, which will yield the same results as shipment-by-shipment costs when a weighted-average FMV is calculated.

DOC Position: We agree with Matsushita. We find that Matsushita's method is reasonable, given the difficulty of calculating the expense on a shipment-by-shipment basis.

Comment 27: The petitioners contend that the Department should exclude markup charged by related companies from home market freight costs.

Matsushita contends that related companies charged markup for movement expenses for both the home market and the United States, so the issue must be treated the same for both markets. If the markup is excluded from home-market movement expenses, it must also be excluded from U.S. movement expenses.

DOC Position: We agree with the petitioners. We find that Matsushita's home market freight costs should be based on the prices which Matsushita paid to unrelated parties rather than on prices paid by one Matsushita unit to another. The price paid by the related party is not a market price; rather, it is a price established for internal Matsushita bookkeeping purposes. The price paid to the unrelated freight company is the true cost incurred by Matsushita for its home market freight. As such, we have reduced Matsushita's claimed home market freight costs by the amount of markup found at verification.

Matsushita is incorrect in its claim that we verified the markup charged by related companies on movement expenses for U.S. sales. In fact, we simply examined the rate chart of a random, unrelated freight company and compared it to the prices charged by the related company. We verified that the prices charged by the related company were equivalent to prices based upon market transactions. Therefore, for foreign brokerage and handling for purchase price sales, we are using the figures reported by Matsushita and verified as correct.

Comment 28: The petitioners contend that Matsushita understated its warranty expenses on U.S. FPD sales by:

(1) Dividing warranty expenses by a total sales value that includes shipments of merchandise to replace returned units; and

(2) Basing the numerator for the expenses on ex-MEI values/transfer prices and the denominator on sales values.

Matsushita contends that it did not understate these expenses because:

(1) The denominator of the factor is based on POI purchase orders, not shipments, so it will not reflect shipments of replacement units;

(2) The numerator and denominator for the calculation were calculated on the same basis, which is correct and internally consistent.

DOC Position: We agreed with Matsushita because:

(1) Matsushita's sales value does not include shipments of units to replace returned units;

(2) The numerator of the warranty expense factor, based on ex-MEI transfer prices is an appropriate approximation of Matsushita's warranty costs; and

(3) If an adjustment is to be applied as a factor to sales values, then the denominator used in calculating the factor should also be based on sales values.

Comment 29: The petitioners contend that the Department should use the expense factor provided at verification, using an alternative methodology, for shipping and handling charges incurred by MEI Corporate Overseas Management Division of the Americas (COMDA) on shipments to the United States.

Matsushita contends that its original methodology was reasonable and appropriate because:

(1) The use of the shipping and handling expense factor for cased FPDs as a surrogate for that expense factor for computers is reasonable, since the FPD is by far the most valuable single component shipped;

(2) The Department has accepted that type of methodology in numerous prior determinations, recognizing when allocation of charges to specific products is impracticable; and

(3) The alternative methodology is based on a single month of shipments and, therefore, is less reliable than a factor calculated for the entire POI.

DOC Position: We agree with the petitioners. The alternative methodology provided at verification is more reflective of the expenses which Matsushita actually incurred.

Matsushita originally reported the cost of shipping a computer "kit" by calculating the cost of moving just the FPD. The alternative methodology provided at verification calculates the cost of moving the entire kit and, therefore, is more reflective of the expenses which Matsushita actually incurred. With regard to Matsushita's claim that the alternative methodology is inaccurate because it is based on only one month of the POI, we find no evidence to suggest that there would be significant variations in movement cost from month to month.

Comment 30: The petitioners contend that Matsushita did not report movement charges for shipments of plasma displays and computer components from MEI Special Projects Office (SPO) to a subcontractor. As BIA, the Department should use an amount equal to the revised expense factor for COMDA shipping and handling charges.

Matsushita contends that its subcontractor picks up all components at SPO and builds any movement expense into the subcontracting fee charged to Matsushita.

DOC Position: We agree with Matsushita. Evidence on the record indicates that Matsushita properly accounted for movement expenses between SPO and the subcontractor.

Comment 31: The petitioners contend that the Department should use, for foreign inland freight charges on shipments from MEC to SPO, the weighted-average cost calculated during verification for shipments handled by Matsushita's primary short haul carrier. The petitioners state that the Department should use this cost rather than the revised cost provided by Matsushita earlier during the verification.

Matsushita contends that the first revised cost is a weighted-average cost

for all short haul carriers, and is thus more accurate than information based only on Matsushita's primary short haul carrier. In addition, Matsushita states that the weighted average figure was virtually identical to the figure for the major single carrier, thus verifying the accuracy of the weighted-average number.

DOC Position: We agree with the petitioners. The revised figure calculated at verification is an allocation based on the costs charged by the carrier for shipments including FPDs. Matsushita officials explained at verification that the carrier is responsible for "virtually all" shipments of FPDs from MEC to SPO.

Comment 32: The petitioners contend that the Department should include a portion of expenses incurred by Panasonic Finance, Inc. (PFI) in Matsushita's U.S. expenses because PFI conducts financing activities for Matsushita Electric Corporation of America (MECA) and Matsushita Computer Company (MCPC).

Matsushita contends that PFI's expenses are included in expenses and costs for MECA and MCPC. Matsushita states that PFI's expenses are part of MECA's general and administrative expenses and, as such, are allocated to MECA's divisions, including those dealing with FPDs and computers.

DOC Position: We agree with Matsushita. Evidence on the record indicates that expenses for PFI have been properly allocated.

Comment 33: The petitioners state that the Department should ensure that computer parts are not included in the prices reported by Matsushita for its U.S. sales of transportable computers, since both parts and computers are recorded in Panasonic Industrial Company Special Projects Office's (PIC–SPO) Invoice Tax Register (ITR).

Matsushita contends that no computer parts were included in PIC–SPO's computer sales.

DOC Position: We agree with Matsushita. The records examined at verification showed that no computer parts were included in PIC–SPO's computer sales.

Comment 34: The petitioners contend that factors for U.S. selling expenses should be based on U.S. sales net of shipments of merchandise to replace returned units.

Matsushita contends that its factors for U.S. selling expenses are based on sales figures which did not include replacement units.

DOC Position: We agree with Matsushita. The records examined at verification showed that no replacement units were included in sales figures used to calculate U.S. selling expenses.

Comment 35: The petitioners contend that Matsushita understated its R&D in the submission by including in the general R&D expenses R&D which was specifically for high information content passive-matrix and active-matrix LCD FPDs and EL FPDs. As described in the preliminary determination in this investigation, the products covered in these investigations include all high information flat panel displays with pixel count of 120,000 or greater. Thus all R&D incurred on behalf of high information content flat panel displays technology should be considered product-line R&D, should be allocated only to sales of high information content flat panel displays, and should be included in Matsushita's cost of manufacture.

Matsushita contends that the methodology used for calculating R&D is consistent with the company's organizational structure and accounting practices, with necessary distinctions among FPD technologies, and with previous DOC determinations.

DOC Position: We agree with the petitioners, in part. R&D expenses incurred for the class or kind of merchandise under investigation for Matsushita, *i.e.*, gas plasma FPDs, were allocated based on the production of the gas plasma FPDs. Because there were no sales of other class or kinds of FPDs during the POI, all other R&D incurred for FPDs were allocated to the general class or kind of merchandise.

Comment 36: The petitioners contend that Matsushita understated its R&D by allocating gas plasma FPD R&D to both high information content and low information content gas plasma FPDs even though most of these R&D projects were specifically for high information content gas plasma FPDs.

Matsushita maintains that gas plasma FPD related R&D were not allocated over too broad a range of products, *i.e.*, both low information content and high information content gas plasma FPDs, because only a small amount of the costs of low information content FPD production, *e.g.*, labor and overhead, was included in the denominator of the R&D ratio. Therefore, exclusion of this minor amount of costs from the denominator would have a minor impact on the cost of production calculations.

DOC Position: We agree with the petitioners. Matsushita understated high information content gas plasma FPD product line R&D by including the labor and overhead of low information content gas plasma FPDs in the denominator of its R&D calculation. Therefore, we adjusted the denominator to include only the costs of manufacture of information content gas plasma FPDs.

Comment 37: The petitioners contend that the cost of manufacture of the FPDs sold in the United States should be adjusted because the yields for the glass panel that Matsushita reported in its response were based on the yields from only one of its two FPD plants.

Matsushita acknowledges the error and has no objection to adjusting the cost of manufacture so that it reflects the weighted average manufacturing cost of the FPD further manufactured in the United States.

DOC Position: We have made the appropriate adjustment to the cost of manufacture of the FPD which was sold in the United States.

Comment 38: The petitioners contends that the cost of electronic components produced by a subsidiary of MEC are understated and should be increased for the final determination because certain components appeared to be sold below cost. Additionally, petitioners contend that the Department should recalculate Matsushita's FPD cost of production based on the greater of the related party transfer prices or the related suppliers' actual cost of production.

Matsushita maintains that the understatement in the response for the cost of electronic components produced by a subsidiary of MEC is not significant and thus has a minimal effect on the final results. Matsushita also contends that the range of profits earned on transactions between MEC's subsidiary and MEC are normal. Finally, Matsushita contends that since no issue was raised for further consideration in the cost verification report, the Department recognizes that there was no reason to doubt the arm's-length nature of the transfer prices.

DOC Position: The Department used the actual costs of components produced by Matsushita Kotobuki Electronics (MKE), a related company, for the cost of materials in CV.

For CV, pursuant to section 773(e)(2) of the Act, the Department uses transfer prices between related companies unless such prices do not "fairly reflect the value in the market under consideration." Printed circuit boards assembled onto the fabricated glass panel were customer-designed and thus not comparable to other such boards on the market. However, we note that some of the transfer prices were made at prices less than the cost of producing the merchandise. Therefore, for CV purposes, the Department has disregarded the transfer prices and used the cost of the components as representative of the value reflected in

the market under consideration. (See, Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Spherical Plain and Tapered Roller Bearings) and Parts Thereof from Italy; Final Determination of Sales at Not Less Than Fair Value: Spherical Plain Bearings and Parts Thereof from Italy (54 FR 19096, May 3, 1989).)

Comment 39: The petitioners contend that factory overhead cost incurred by MCPC was not properly allocated to the computer models under investigation because of the large labor hour variance for the production line that was exclusively devoted to assembly of the computer models under investigation.

Matsushita maintains that the standard work times were used for the limited purpose of allocating overhead and G&A costs among models. The standards were not used to calculate these costs. Total overhead and G&A costs were based on total actual costs as recorded on MCPC's books. Matsushita holds that the large variance between standard time and the actual time is irrelevant. MCPC divided total actual costs by total standard time, and then applied the resulting ratio to per-model standard time. MCPC did not, as the petitioners seem to contend, divide total actual costs by total actual time and apply the ratio to standard times. Since the denominator of the calculation was based on standard time, MCPC applied the ratio to per model standard time.

DOC Position: We agree with Matsushita. Factory overhead and G&A costs incurred on the production line dedicated to the production of the computers containing the subject merchandise were properly allocated and thus no adjustment is necessary.

Comment 40: Matsushita contends that it is inappropriate to attribute all of MEI Headquarters G&A expenses to indirect selling expenses as the Department did during the preliminary determination. MEI Headquarters G&A oversees Matsushita's worldwide operations which involve both production and selling functions, thus this G&A for this headquarter operations must be allocated between production and sales.

The petitioners contend that the measure of relative G&A expenses should be based on cost of sales rather than on relative G&A expenses incurred by MEI's production and sales subsidiaries. The petitioners' claim that the Department properly included MEI Headquarters G&A expenses in indirect selling expenses.

DOC Position: We agree with Matsushita because part of the function of the headquarters was to manage corporate R&D laboratories in addition to the company as a whole, both of which involve production functions. Thus, we have allocated MEI Headquarters G&A as indirect selling expenses and G&A as reported by Matsushita.

C. Sharp

Comment 41: The petitioners contend that advertising expenses claimed by Sharp as direct selling expenses are actually indirect selling expenses. The petitioners state that Sharp's advertising was not direct at the customer's customer and thus, does not meet the Department's criteria for a direct advertising expense claim.

Sharp replies that, because the advertising was aimed at the ultimate consumer of the high information content FPDs, the expense incurred qualifies as a direct selling expense. Sharp asserts that the "customer's customer" standard, as set forth in AFBs, should not apply to advertising for components and other nonconsumer products. Sharp claims that because it sells only to OEMs and that once the FPD is sold to the OEM it undergoes a substantial transformation, there is no "customer's customer" for the FPD as an individual product. Sharp cites Sheet Piling from Canada: Final Results of Antidumping Administrative Review and Cancellation of Suspension Agreement (55 FR 49551, 49552, November 29, 1990) as a decision where the Department shifted the focus of the advertising expense analysis to the "level in the sales chain" when determining which advertising expenses qualify as direct selling expenses. As OEMs are the "ultimate user" in the sales chain of an FPD, Sharp contends that advertising directed at OEMs should be classified as a direct selling expense.

DOC Position: We agree with the petitioners. The Department's regulations state that "[t]he Secretary also will make reasonable allowances for differences in selling costs (such as advertising) incurred by the producer or reseller but normally only to the extent that such costs are assumed by the producer or reseller on behalf of the purchaser from that producer or reseller." 19 CFR 353.56(a)(2). Furthermore, the Department's Study of Antidumping Adjustments Methodology and Recommendations for Statutory Change, November 1985, at 51, clearly addresses advertising, stating "[w]e will allow a circumstance of sale adjustment for the seller's expense incurred on advertising and sales promotion directed at the *customer's customer;* we will allow no adjustment when the target is the party purchasing from the manufacturer or exporter." (Emphasis added). It is consistent with our regulations and longstanding practice to use the customer's customer standard in evaluating whether to treat advertising as a direct or indirect selling expense. See *e.g.,* Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof from Japan: Final Results of Antidumping Duty Administrative Review (55 FR 38720, 38724, September 20, 1990); and AFBs, at appendix B. To the extent Sheet Piling from Canada is inconsistent with this approach, it was wrongly decided. Sharp's advertising is directed at the OEM, the first unrelated customer, and is not borne by Sharp "on behalf of the purchaser from that" OEM. Accordingly, we have classified Sharp's advertising expense in the home market as an indirect selling expense.

Comment 42: The petitioners state that Sharp incorrectly calculated its home market cash discount percentage by reporting cash discounts incurred on sales outside the POI. The petitioners urge the Department to remove these cash discounts from Sharp's total and recalculate the cash discount percentage.

Sharp replies that the petitioners misinterpreted the verification exhibit upon which the petitioners base their argument. Sharp states that while its documentation consolidates sales to home market customers to one line item of its report, it itemizes cash discounts granted to its customers' head offices, sales branches, etc. Therefore, the petitioners incorrectly extrapolate from the report that cash discounts appearing next to sales branches with a zero sales figure were incurred outside the POI. Sharp notes that sales to the disputed sales branch are consolidated under the head office.

DOC Position: We agree with Sharp. Information reviewed at verification shows that Sharp does indeed consolidate sales to home market customers while itemizing cash discounts. Both total sales and total cash discounts were verified to be correct.

Comment 43: The petitioners state that Sharp incorrectly based its ESP credit expense adjustment on the cost of short-term funds incurred by Sharp Corporation, the parent company. Furthermore, the petitioners assert, the most accurate basis for the ESP credit expense adjustment is Sharp Electronic Corporation's (USA) (SEC) short-term interest rate. As the Department does not have adequate information on SEC's

weighted-average cost of short-term funds during the POI, the petitioners urge the Department to use the highest reported short-term interest rate shown on SEC's audited financial statements.

Sharp contends that, in *LMI—La Metalli Industriale S.p.A.* verses *United States* 912 F. 2d 455, 460 (Fed. Cir. 1990), the court concluded that it is reasonable to assume that a corporation will finance its operations with the cheapest money available. Sharp states that, in line with the reality of doing business, it should be allowed to use the lowest interest rate available during the POI, regardless of the market in which it occurred.

DOC Position: We agree with the petitioners. It is Department practice to apply the U.S. subsidiary's short-term interest rate to ESP sales to calculate the ESP credit adjustment. The LMI decision was based on purchase price transactions where no U.S. subsidiary existed. In the LMI decision, the court found that since the company, LMI, could secure funds at a lower rate in the United States and, in fact, did so, the U.S. interest rate should be applied to these purchase price sales. While the respondent in this case contends that because short-term credit costs are imputed, whether SEC actually borrowed funds to finance sales is irrelevant. Yet the court's decision in LMI is based on the fact that LMI actually did secure funds at low interest rates on a regular basis in order to purchase raw materials. Nowhere on the record does Sharp state it secures short-term funds from its parent company. Theoretically, this may be possible, but factually it has not occurred. In the present situation, Sharp's U.S. subsidiary is responsible for ESP transactions and, as indicated on its financial statement, is securing short-term funds in the United States in order to conduct business. For this reason, it is proper to apply the U.S. short-term interest rate to these sales. Sharp's financial statements list two short-term interest rates. We have used a simple average of these two rates to calculate Sharp's ESP credit adjustment.

Comment 44: The petitioners assert that Sharp must be consistent in its methodologies for calculating its home market and ESP credit expense adjustments. Sharp calculated its ESP credit expense adjustment on the payment terms applicable to each sale while it calculated its home market credit expense adjustment based on its home market average accounts receivable turnover ratio. The petitioners maintain that the Department should use the U.S. subsidiary's average accounts receivable turnover ratio for the calculation of ESP credit adjustments.

Citing Preliminary Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from The Republic of Korea (55 FR 49668, 49669–70, November 30, 1990), Sharp contends that there is no requirement that credit expenses be calculated consistently in all markets. Sharp maintains that its methodology for calculating credit expense associated with ESP sales has been accepted by the Department and cites U.S. Department of Commerce, *Study of Antidumping Duty Adjustments Methodology* 47 (November 1985). Sharp also asserts that its records and reporting are conservative in their calculation of credit periods.

DOC Position: We agree with Sharp. At both the U.S. ESP verification and the home market verification we confirmed that Sharp used credit methodologies that accurately reflect Sharp's credit policies. While the petitioners are correct in asserting that the data collection methods used in the two markets differ, both methods ultimately rest on the difference between shipment date and payment date, and we have no reason to believe that these differences results in any distortion or inaccuracy.

Comment 45: The petitioners assert that Sharp improperly used its home market interest rate to calculate SEC's inventory carrying expense. As money is a fungible commodity, the petitioners state, the Department should use SEC's short-term cost of funds to calculate U.S. inventory carrying expense. The petitioners cite Final Results of Antidumping Duty Administrative Review: Color Picture Tubes from Japan (55 FR 37915, 37922, September 14, 1990) as case precedent for utilizing the U.S. subsidiary's weighted-average interest rate for the calculation of U.S. inventory carrying expenses.

Sharp responds that it would be unreasonable to calculate an inventory carrying cost using SEC's weighted-average interest rate when a percentage of the days spent in inventory occurs in Japan. In addition, Sharp Corporation bears the expenses of goods that remain in SEC's inventory prior to payment. It is therefore not realistic to use the U.S. interest rate in this calculation.

DOC Position: We agree with the petitioners. While merchandise remains in Sharp Corporation's inventory for a portion of the sales cycle, for the majority of time the inventory is held by SEC. For the portion of time that the inventory is held by SEC, it is proper to apply SEC's short-term interest rate in the calculation of inventory carrying expense. For the portion of time that the inventory is held by Sharp Corporation, it is proper to apply the short-term interest rate of that entity. It is standard Department practice to use the U.S. subsidiary's interest rate for the U.S. portion of inventory carrying cost and not the home market of the parent company. Therefore, we have applied the simple-average of the two short-term interest rates listed on SEC's financial statements for the U.S. portion of Sharp's inventory carrying cost and have applied Sharp Corporation's short-term interest rate for the Japanese portion of inventory carrying cost.

Comment 46: The petitioners allege that Sharp failed to include certain warranty transportation expenses in the calculation of its U.S. warranty expense adjustment.

Sharp counters that its May 15, 1991, revised computer sales listing submitted to the Department includes the warranty transportation.

DOC Position: We agree with Sharp. The warranty transportation expenses were included in Sharp's recalculation of its warranty expenses.

Comment 47: The petitioners contend that Sharp should have allocated its U.S. price protection discount claim on a customer-specific basis rather than allocating this discount over all ESP sales. The petitioners state that the record clearly shows that this customer-specific methodology can be applied and, unlike the current methodology, is not distortive.

Sharp replies that a customer-specific allocation of these discounts bear no relation to actual sales. Because these discounts relate to merchandise sold months before the discount is granted, discounts granted during the POI in all likelihood do not relate to sales during the POI. Sharp maintains that an attempt to tie these discounts to specific sales on models in the POI would not reflect commercial reality. There are no assurances that these customers received discounts on sales during the POI. Sharp quantified and allocated these discounts in the same manner it did all expenses that cannot be tied to individual sales and contends that this methodology is the most reasonable one available.

DOC Position: We agree with Sharp. We confirmed at verification that Sharp grants price protection "discounts" and "discounts" for meeting competition several months after the sales are completed and that Sharp cannot tie these rebates to specific sales during the POI. Sharp has applied a "slice of time" methodology that is consistent with

Department practice for those adjustments that cannot be tied to specific sales. We have no reason to believe that Sharp's methodology results in any distortion or inaccuracy.

Comment 48: The petitioners contend that the Department should remove sales made to SEC's Canadian customers during the POI from the U.S. sales listing. Furthermore, as the removal of the sales will affect those sales adjustments based on sales value, the petitioners request the recalculation of these adjustments.

DOC Position: We agree in part with the petitioners. Sales to Canada cannot be included in our U.S. sales comparisons and we have removed these sales from the sales listing. See, 19 CFR 353.41(b) and (c). However, because of the negligible impact on total U.S. sales value and the burden that recalculating a myriad of adjustments based on sales value would place on the Department, we have not adjusted the U.S. sales value in order to recalculate the specific adjustments. Therefore, as BIA, we are using the existing calculations.

Comment 49: The petitioners contend that the Department should corect a computer programming error made when calculating the amount of VAT that is not collected by reason of exportation of the merchandise from Japan. The petitioners claim that the Department failed to base the VAT adjustment on Sharp's gross U.S. price, net of discounts, as was indicated in our preliminary determination (56 FR 7008, 7011).

DOC Position: We disagree with the petitioners. Sharp has two adjustments that are discounts in name only. Both price protection and discounts for meeting competition are administered as post-sale rebates, not discounts from the original invoice. For both adjustments, Sharp rebates money to the customer several months after the sale by crediting the customer's account. The Japanese VAT law specifically states that VAT is applied to the gross unit price, net of discounts. These discounts are pre-sale discounts applied to the gross unit price prior to the consummation of the transactions. As Sharp's price protection and discounts for meeting competition are administered as *post*-sale rebates, they are not adjustments to the basis of the Japanese VAT. Therefore, for purposes of calculating the VAT adjustment, it is incorrect to deduct from gross unit price what is, in effect, a rebate.

Comment 50: The petitioners argue that, because of the significant problems in Sharp's cost of production questionnaire response, the information is not reliable and the Department should use BIA, in accordance with section 776(c) of the Act, to calculate Sharp's cost of production for the final determination. The petitioners claim that Sharp's data contain numerous significant problems, such as the lack of reconciliation of mother glass from inventory records to production records, unverified and unexplained yield information, numerous expenses incorrectly allocated over corporate-wide cost of sales, and unsubstantiated exclusions from the calculation of G&A and R&D expenses. The petitioners are more concerned with Sharp's inaccurate yield data because it affects every component of fabrication costs as well as material. Because all components of Sharp's cost of production data have been significantly understated or incorrectly allocated, the petitioners assert the Department should use as BIA the COP data contained in the petition.

Sharp contends that it provided a complete and accurate response to the Department's questionnaire and this submission was verified. Sharp maintains that it is the completeness of its questionnaire responses that is at issue, and that there can be no question that Sharp submitted a complete response to the Department. "The ITA may *not* properly conclude that resort to the best information rule is justified in circumstances where a questionnaire is sent and completely answered, just because the ITA concludes that that answers do not definitely answer the overall issue presented." *Olympic Adhesives, Inc.* v. *United States*, 899 F.2d 1565 (Fed. Cir. 1990) (emphasis added). Sharp asserts that the rejection of its response, *in toto*, is unwarranted in light of this appeals court decision.

DOC Position: The information submitted by the respondent, except for those areas that were adjusted in the final results, was verified to a degree which did not warrant total rejection of the information. See the "Foreign Market Value" section of this notice for further details of adjustments to Sharp's data.

Comment 51: The petitioners maintain that, if the Department does not totally reject Sharp's COP data, the Department should reject Sharp's yield data and use the yield data contained in the petition as BIA. The petitioners claim that, because Sharp had combined its yield data for both low information content and high information content FPDs and, therefore, overstated its yields for high information content FPDs, its reported material, labor and overhead costs for the subject merchandise are understated. Additionally, because Sharp could not reconcile its standard yield data to its production and inventory records, the Department does not have actual production yield data. The petitioners assert that Sharp should have been prepared for verification and that its failure to reconcile its data at verification is simply due to its own neglect. Furthermore, the petitioners claim that Sharp offers new interpretations for many of the worksheets examined by the Department during verification in its case brief in spite of the fact that Sharp provided the explanations for these worksheets and documents at verification. The petitioners assert that the Department cannot rely on Sharp's standard yield data because it remains unexplained and unverified, and the Department should use as BIA the yield data contained in the petition.

Sharp contends that rejection of its yield data is not warranted because (1) the source of the yield issue stemmed from a misunderstanding of a verification exhibit, (2) labor and overhead costs are not affected by yields, and (3) mother glass inventory is not an issue of consequence.

DOC Position: The verification exhibits to which Sharp refers relate to passive-matrix LCD FPDs. Because passive-matrix LCD FPDs are no longer subject to this investigation, this issue, as it relates to passive-matrix LCD FPDs is moot.

Because Sharp was unable to reconcile the mother glass used in production of its EL FPDs to its inventory records, the Department determined that reconciliation data from other respondents was appropriate as BIA.

Comment 52: The petitioners assert that the use of a factory-wide variance to calculate the cost of the subject merchandise is unreasonable, because it fails to recognize production realities of manufacturing individual products. Therefore, the Department should reject Sharp's use of a factory-wide variance to calculate the cost of materials.

Sharp argues that the variance between standard and actual yields for a model and a variance between standard and actual material costs are not equivalent variants, and it is inappropriate to draw conclusions from a comparison of one against the other. Secondly, Sharp claims that its methodology to derive standard material cost assures that such cost is equivalent to actual cost. Sharp states that the standard cost as shown on its bill of materials is the functional equivalent of actual cost because of the constant updates of acquisition cost. Sharp states that the minuscule variances

experienced during the POI demonstrate that the standard costs do capture the actual costs incurred by the company.

DOC Position: We agree with the petitioners. With respect to EL FPDs only, the Department determined that the standard materials cost adjusted by the factory-wide variance closely approximated the materials cost for EL FPDs as reflected in Sharp's production records. However, the materials costs were adjusted to reflect the difference between the inventory records and the production records. However, the materials costs were adjusted to reflect the difference between the inventory records and the production records, as described in Comment 51 and the "Foreign Market Value" section of this notice.

Finally, because passive-matrix LCD FPDs are not subject to investigation, this issue, as it relates to passive-matrix LCD FPDs, is moot.

Comment 53: The petitioners assert that Sharp should not be allowed to classify certain expenses as factory overhead in its normal books and records but as G&A expenses for purposes of this investigation. The petitioners contend that the Department should classify these expenses in a manner consistent with Sharp's own categorization of these expenses, that is, include these expenses in Sharp's LCD factory overhead.

Sharp argues that these expenses are more appropriately considered G&A because of the reorganization that took place on April 1, 1990 (the LCD Division of the Electronic Components Group became a separate group). Because G&A expenses are calculated on a fiscal year basis and sales and manufacturing costs are calculated on a POI basis, Sharp contends that its G&A ratio should correspond to those ratios in existence after the reorganization.

DOC Position: We agree with the petitioners. The Department verified that these expenses were properly considered factory overhead in Sharp's records. Therefore, the Department classified these expenses as factory overhead of the LCD Division and allocated them over the LCD Division's cost of sales.

Comment 54: The petitioners argue that certain R&D expenses incurred by Sharp were product-specific to the merchandise under investigation and should be treated as a manufacturing expense and not as part of the general R&D. Additionally, the petitioners argue that R&D expenses incurred in three departments of the Opto-Device Laboratory should be included in product-line R&D.

Sharp maintains that none of these expenses were product-specific or product-line because they were not incurred for routine improvements or modifications to products currently in production. Sharp claims that it conducted this research with the hope that discovery of new materials and techniques would contribute to the eventual development of new products. At the time that Sharp conducted its research for a particular class or kind of merchandise, it did not produce or sell any products of that class or kind of merchandise. This research contemplated the production of future products. Additionally, Sharp argues that fundamental advances in display technology benefit the entire corporation and not only the LCD Group. Sharp therefore argues that this R&D should be included as general expenses.

DOC Position: We have allocated R&D for EL FPDs over the cost of sales of EL FPDs during the POI. Class or kind of merchandise R&D in which there were no sales of that class or kind of merchandise was allocated to the general class or kind of merchandise. For a detailed explanation of the Department's allocation methodology regarding R&D, see DOC Response to General Comment I above.

Comment 55: The petitioners argue that, because Sharp was unable to provide the Department with cost of sales for high information content FPDs and low information content FPDs, the Department should use BIA and allocate Sharp's product-line R&D expenses solely to the subject reported high information content FPD sales value.

Sharp contends that its general R&D benefits low information content FPD as well as high information about content FPDs, and therefore, there is no need for high information content FPD and low information content FPD cost of sales. Thus, petitioner's request for BIA has no justification.

DOC Position: We agree with the petitioners. The Department determined that product-specific R&D expenses should be allocated to the class or kind of merchandise. See, DOC Response to General Comment 1. Therefore, since Sharp did not provide high information content FPD cost of sales data, the Department used Sharp's production data to estimate the cost of sales of high information content FPDs as BIA in order to allocate the R&D costs to high information content FPDs.

Comment 56: The petitioners claim that R&D expenses incurred by Sharp's Patent Promotion Department should be allocated solely to Sharp's Electronic Components Group. The petitioners argue that the remaining R&D expenses of the Electronic Components Group should be included as general R&D.

Sharp concedes that the patent promotion department expenses should be allocated over cost of sales of Electronic Components Group. Sharp contends that the remaining expenses have been included and should not be double-counted.

DOC Position: The Department has allocated the Patent Promotion Department expenses solely to the Electronic Components Group. The remaining expenses were incurred in other divisions within the Electronic Components Group which were specifically related to products other than FPDs and were not included in the calculation of general R&D.

Comment 57: The petitioners maintain that certain R&D expenses which Sharp claimed during verification were incorrectly included in its general R&D should remain in the calculation of general R&D. The petitioners state that the R&D work appears to be related to research activities that will benefit all of Sharp's production areas and should be included in general R&D expense.

Sharp maintains that it had erroneously included these costs in its calculation of general R&D. Sharp claims that these expenses are related to products not subject to these investigations and, therefore, should not be included in its calculation of general R&D.

DOC Position: We agree with the petitioners. These expenses appear to be of a general nature and of benefit to all areas of Sharp's production. We have, therefore, included these expenses in the calculation of general R&D.

Comment 58: The petitioners argue that Sharp has understated its G&A expenses by excluding G&A expenses of groups unrelated to FPDs but allocating its FPD-related G&A over its corporate-wide cost of goods sold. The petitioners state that the Department should allocate Sharp's FPD-specific G&A expenses solely to Sharp's FPD sales. The petitioners further argue that certain G&A expenses of the head office were excluded because Sharp claimed that these expenses were not incurred on behalf of the subject merchandise. The petitioners state that G&A expenses are by definition general in nature and not product-related. The petitioners contend that Sharp has not confirmed the appropriateness of excluding certain items. Because these expenses appear to benefit the entire corporation, all of Sharp's Head Office G&A expenses should be included in its calculation.

Sharp concedes that FPD-related G&A should be allocated over the cost of

sales for the group in which the expenses were incurred. Sharp claims that the expenses which it excluded from its G&A calculation were incurred specifically for products other than those under investigation and should not be included in the calculation of G&A expense.

DOC Position: We agree with the petitioners. Sharp understated its G&A expense by excluding all G&A expenses except those which it claimed were specifically related to FPDs, and then allocating these expenses over corporate-wide cost of sales. The Department recalculated Sharp's G&A expense by including all general and administrative expenses from the Head Office Department (selling expenses were not included) and allocating these expenses over corporate-wide cost of sales. Those general and administrative expenses which were incurred at the Group or the LCD Division level were allocated only to FPDs based on the related group or division's cost of sales.

Comment 59: The petitioners assert that enterprise taxes should be included in G&A expense because these taxes are related to Sharp's operations and are classified as operating expenses in Sharp's financial statements.

Sharp contends that the enterprise tax is a tax on profits imposed by the local prefectures in Japan. As such, it does not increase the cost of producing any merchandise and should not be included in the calculation of G&A.

DOC Position: We agree with the respondent. *See,* DOC Response to Comment 21 for further details.

D. Toshiba

Comment 60: The petitioners contend that Toshiba included home market advertising expenses incurred outside the POI in its claim and that it included indirect advertising expenses in its claim for direct advertising. The petitioners maintain that the Department should disallow three of Toshiba's advertising expense claims:

(1) Tohiba's claim for trade show advertising expenses incurred before the POI but not booked until during the POI;

(2) Advertising directed at the first unrelated customer; and

(3) Toshiba's claimed expense to print FPD catalogs, which the petitioners state are not directed at the ultimate user.

Toshiba contends that advertising classified in the home market as a direct selling expense is proper. Toshiba notes that 19 CFR 353.56 states that advertising is considered a direct selling expense when it is directed at the ultimate consumer. In this instance, Toshiba asserts that the ultimate consumer of the FPD is the OEM. Toshiba cites a recent Department decision in Sheet Piling from Canada: Final Results of Antidumping Administrative Review and Cancellation of Suspension Agreement (55 FR 49551, 49552, November 29, 1990) in which the Department stated that advertising expenses targeted at the end-user of a product, as opposed to a middleman, are classified as direct selling expenses even when the end-user incorporates the subject merchandise into a further manufactured product. Toshiba maintains that the purchasers of FPDs cannot be considered middlemen because of the substantial transformation that FPDs undergo to become laptop computers, medical instrumentation, etc.

DOC Position: We agree with the petitioners that for advertising to be considered a direct expense it must be directed at the customer's customer. The Department will make allowances for advertising "only to the extent such costs are assumed by the producer or reseller on behalf of the purchaser from that producer or reseller." 19 CFR 353.36(a)(2) See, also, DOC Response to Comment 41 above. Toshiba has stated, and information gathered at verification supports, the fact that Toshiba's advertising expenses are not assumed on behalf of the purchaser or reseller of the FPD. Toshiba's FPD catalogs are directed at the first unrelated customer and newspaper and magazine advertisements are directed at purchasers of laptop computers, not FPDs.

However, we agree with Toshiba with respect to charges incurred outside the POI but not booked until during the POI. These charges represent a "slice-of-time" representation of advertising expenses. Charges actually incurred during the POI would not be booked until after the POI, therefore, Toshiba has used a logical method to capture representational advertising expenses. Those advertising expenses previously classified as direct selling expenses have been reclassified by the Department as indirect selling expenses.

Comment 61: The petitioners claim that Toshiba incorrectly based its home market credit expense claim on the cost of its short-term funds for the period April-September, 1990. The petitioners state that Toshiba should calculate this expense using the same period it used to calculate its purchase price and ESP interest rates, February-July, 1990, the POI, in accordance with the Department's questionnaire.

Toshiba maintains that the credit period it selected for home market sales was based on the fact that shipments occurred on average 60 days after an order was placed and that payment occurred at least 90 days after shipment. Therefore, the credit period for the POI runs from April-September, 1990.

DOC Position: We agree with Toshiba. The credit period selected is an accurate reflection of the period between shipment and payment. Information reviewed at verification confirms that home market shipments occur, on average, 60 days after an order is placed and that payment occurs, on average, 90 days after shipment. Therefore, it is reasonable to use the period April-September, 1990, for the calculation of home market credit expense.

Comment 62: The petitioners state that Toshiba incorrectly used its average short-term consolidated corporate borrowing rate to calculate the inventory carrying expenses of the U.S. subsidiary, Toshiba America Information Systems (TAIS). The petitioners assert that, because money is a fungible commodity, Toshiba should be required to used TAIS's interest rate to calculate the U.S. inventory carrying expense. The petitioners cite Final Results of Antidumping Duty Administrative Review: Color Picture Tubes from Japan (55 FR 37915, 37922, September 14, 1990) (CPTs), as case precedent for utilizing the domestic subsidiary's weighted-average interest rate for the calculation of U.S. inventory carrying expenses.

Toshiba asserts that despite the facts in the CPTs case, the facts in this case support the use of the short-term consolidated rate in the calculation of the inventory carrying expense. Toshiba Corporation extends 60 days payment terms to its subsidiary, TAIS, on sales of FPDs to the United States. Toshiba Corporation absorbs the cost of carrying the inventory for the majority of the time that the merchandise is in inventory at TAIS. Therefore, Toshiba asserts that the appropriate rate to be applied is Toshiba Corporation's short-term consolidated rate. Toshiba suggests that the issue is not fungibility of funds, but determining what entity is bearing the cost of carrying the inventory.

DOC Position: We agree with the petitioners that a U.S. interest rate for the U.S. inventory carrying portion of this expense should be applied, as it is the U.S. subsidiary that is bearing the cost of the merchandise while it remains in inventory. However, the payment terms that Toshiba Corporation extends to TAIS in combination with the inventory days the FPD remains in TAIS' inventory indicates that Toshiba Corporation bears the cost of carrying the merchandise for roughly 90 percent

of the time the merchandise is held in inventory. We have recalculated the inventory carrying adjustment to account for the portion of time that the merchandise is in TAIS' inventory using Toshiba's short-term interest rate.

Comment 63: The petitioners maintain that Toshiba understated its United States advertising expense claim by classifying similar advertisements as direct selling expenses in the home market and as indirect selling expenses in the United States. The petitioners state that the Department should classify these U.S. advertisements as direct selling expenses.

DOC Position: The Department verified that all reported direct advertising expenses in the home market are properly classified as indirect selling expenses. See, also, DOC Position to Comment 41 and Comment 60 above.

Comment 64: The petitioners state that Toshiba should recalculate its royalty expense claim due to errors discovered during verification.

Toshiba notes that it has made the necessary adjustments to its royalty expense claim and has incorporated these changes in the computerized sales listing submitted to the Department.

DOC Position: Respondent made the necessary changes uncovered at verification except for the allocation of a monthly royalty fee. As this monthly royalty fee applies to sales of passive-matrix LCD FPDs, this issue is moot.

Comment 65: The petitioners state that Toshiba may have understated its U.S. warranty expense claim by failing to include in total warranty expenses those expenses incurred on products that are returned to Toshiba and classified as "dead on arrival."

Toshiba notes that expenses associated with "dead on arrival" products are classified either as inventory reserve expense, "other selling expenses", and/or G&A. Toshiba maintains that all expenses associated with products "dead on arrival" were fully reported as indirect selling expenses by TAIS.

DOC Position: We agree with Toshiba. Information reviewed at verification and detailed in the verification report shows that all warranty expenses were properly reported. The expenses incurred for products returned "dead on arrival" are classified by Toshiba differently than those for warranty expenses. These expenses are properly classified either as inventory reserve expense, "other selling expense", and/or G&A. It would be impossible for the Department to categorize "dead on arrival" expenses as warranties and accurately allocate this expense to the FPD, because we have no way of knowing whether a scrapped laptop computer had a defective FPD. The computer may have been scrapped for any number of reasons. It would be arbitrary and inaccurate to attempt to quantify how many defective FPDs, if any, were in "dead on arrival" computers during the POI. Nevertheless, Toshiba fully reported the expenses incurred on these returns in its indirect selling expenses for TAIS.

Comment 66: Citing Cell-Site Transceivers from Japan: Final Determination of Sales at Less Than Fair Value (49 FR 43080, 43083, October 26, 1984), the petitioners state that R&D expenses which can be identified directly with the product under investigation are considered manufacturing expenses and are part of fabrication costs. Thus, the petitioners contend that R&D expenses incurred for high information content FPDs should be allocated over the cost of sales of high information content FPDs.

Toshiba claims that product-specific R&D can only be allocated to the specific product involved. As passive-matrix LCD FPDs and active-matrix LCD FPDs are inherently different, any R&D expenses incurred for active-matrix LCD FPDs, which were not sold during the POI, must be allocated in a different manner than that for passive-matrix LCD FPDs. Toshiba asserts, citing Cyanuric Acid and Its Chlorinated Derivatives from Japan (55 FR 1694, January 18, 1990), that the proper methodological approach is to allocate the product-specific R&D over the cost of sales of the specific product. Where R&D cannot be allocated to a specific product, it should be allocated to the business division with which it is organizationally associated.

DOC Position: We agree with the petitioners in part. R&D expenses specifically identified with a class or kind of product are properly allocated over the sales of that class or kind of product. R&D expenses for specific classes or kinds which were not sold are properly allocated over the general class or kind. See the DOC Response to General Comment 1 for further details of R&D allocation.

Comment 67: The petitioners claim that the expenses incurred by a particular group laboratory should be included in general R&D expenses because the research activities benefit all products of the company.

Toshiba claims that this laboratory performs basic materials research and is not organizationally related to those groups responsible for flat panel production and research. Therefore, these expenses should be excluded from general R&D.

DOC Position: We agree with the petitioners. The Department verified that R&D expenses of the materials laboratory were incurred to benefit all products of the corporation. Therefore, these expenses were included in general R&D.

Comment 68: The petitioners maintain that enterprise taxes should be included in Toshiba's general expenses because the taxes are classified as SG&A on Toshiba's financial statements.

Toshiba counters that the enterprise tax is a government tax on income. Toshiba notes that income-based taxes are viewed by the Department as unrelated to the cost of production, and therefore, not included in general expenses. The Japanese enterprise tax has been identified as a tax that is excluded from G&A expenses, even where the G&A expense was classified as an operating expense. (See, Final Determination of Sales at Less Than Fair Value: Color Picture Tubes from Japan (52 FR 44171, November 18, 1987); Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (54 FR 13917, April 6, 1989); and Final Results of Antidumping Duty Administrative Review; Color Picture Tubes from Japan (55 FR 37915, September 14, 1990).)

DOC Position: We agree with Toshiba. See, DOC Response to Comment 21 above.

Comment 69: The petitioners contend that certain Toshiba basic R&D expenses are related to the subject merchandise. Therefore, these expenses should be charged specifically to FPDs based on cost of sales.

Toshiba argues that basic R&D expenses should be allocated to all products of the corporation.

DOC Position: We agree with the petitioners. The Department verified that some of the R&D which Toshiba considered basic for the total corporation as research conducted specifically for active-matrix LCD FPDs. The Department allocated this R&D over the general class of kind of FPDs because there were no sales of active-matrix LCD FPDs. See the DOC Response to General Comment 1 for further details.

The remaining corporate R&D was considered general R&D because there was no evidence on the record that this R&D was related to a specific product line and was allocated to the corporate cost of sales.

Comment 70: The petitioners argue that any R&D expenses incurred by the

Electron Device Engineering Lab that are related to FPDs must be allocated specifically to FPDs and included in the cost of manufacture. The petitioners maintain that Toshiba improperly accounted for this expense by allocating it to all products manufactured by the Electron Tube and Device Group, a group that manufactures other products in addition to FPDs.

Toshiba claims that the Electron Device Engineering Lab concentrates on products for the Electron Tube and Device Group, and, therefore, its R&D expenses should be allocated over all products of the group consistent with Toshiba's organizational and cost accounting system.

DOC Position: We agree with the petitioners. The Department verified that a portion of the R&D expenses were incurred mainly for active-matrix LCD FPDs. The Department allocated these expenses over the general class or kind of merchandise because there were no sales of active-matrix LCD FPDs during the POI. See the DOC Response to General Comment 1 for further details. Expenses related specifically to merchandise not under investigation were excluded. Administrative cost were allocated over all products of the Electron Tube and Device Group.

Comment 71: The petitioners state that Toshiba improperly allocated the G&A expenses from its unconsolidated financial statements based on the cost of sales from its consolidated financial statements, thus mixing data that were prepared using two different methodologies. The petitioners maintain that G&A expenses should be allocated over the unconsolidated cost of sales of Toshiba.

Toshiba asserts that if G&A expenses are allocated over unconsolidated cost of sales, the expenses should not be included in U.S. value added expenses.

DOC Position: We agree with both the petitioners and Toshiba. We have allocated unconsolidated G&A over unconsolidated cost of sales (parent company). The G&A percentage was not applied to U.S. value-added because the unconsolidated financial statements do not include the results of operation of the U.S. subsidiary.

Comment 72: The petitioners contend that Toshiba improperly allocated rework expenses incurred by TAIS to all sales of International Operations—Information and Communications Systems (IOIC). The rework expenses which were tied to specific models of FPDs should be charged only to those models, while the remaining expenses should only be charged to U.S. further manufactured sales.

Toshiba claims that all rework expenses were included and allocated over all sales in accordance with its own books and records. Therefore, no adjustment is necessary.

DOC Position: The rework expenses tied to specific models of FPDs were for a class or kind of merchandise not under investigation. The remaining rework expenses related to gas plasma FPDs are negligible under either allocation, therefore, we have not made this adjustment.

Comment 73: The petitioners claim that inventory reserves for obsolescence reported in Toshiba's records should be included for purposes of the submission.

Toshiba asserts that inventory reserves expenses should not be included because the Department verified that no charges were made against the reserve account until Toshiba reversed the adjusting entry after the POI.

DOC Position: We agree with Toshiba. The Department verified that inventory reserve expenses were recorded and then reversed. Since there were no charges to the reserve account, no expenses were actually incurred.

Comment 74: The petitioners assert that the overhead allocation for U.S. fabrication should be based on Toshiba's methodology used during the POI in its normal books and records.

Toshiba claims that is headquarters overhead allocation should be accepted because the allocation methodology is currently used in its cost accounting system, and is more accurate than the allocation used in its cost accounting system during the POI.

DOC Position: We agree with Toshiba. The overhead allocation methodology was used as a part of Toshiba's standard recordkeeping, and reflects a more specific allocation than the methodology used during the POI.

Comment 75: The petitioners argue that miscellaneous material usage variances should not have been excluded from further manufacturing costs, as the Department determined that these variances related to Toshiba's further manufacturing process.

Toshiba agrees that the usage variance should have been included in the submitted costs. however, the amount is negligible.

DOC Position: We agree with the petitioners and have included the miscellaneous material usage variances in further manufacturing costs.

Comment 76: The petitioners state that the "further manufacturing" costs should include the commission paid to a related subsidiary in conjunction with the purchase of a laptop computer component, and the G&A expenses of the related subsidiary.

Toshiba counters that the commission should be excluded because no significant services were provided to TAIS by the related subsidiary. If the Department includes some amount to reflect the subsidiary's theoretical costs it should not exceed the commission.

DOC Position: We have included the commission paid by TAIS to the related subsidiary because the commission reflected the costs incurred by the subsidiary in providing the purchasing services. We have not added the G&A of the related subsidiary because doing so would double-count the expenses incurred by the subsidiary and TAIS.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of entires of active-matrix LCD FPDs and EL FPDs from Japan, as defined in the "Scope of Investigations" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of the subject merchandise from Japan exceeds the United States price, as shown below. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer/producer/ exporter	*Weighted-average margin*
Active-Matrix LCD:	
Hosiden Corporation	62.67%
All others	62.67%
Electroluminescent:	
Sharp Corporation	7.02%
All others	7.02%
Gas Plasma:	
Matsushita Electric Industrial Co., Ltd.	0.23% de minimis
Toshiba Corporation	0.32% de minimis

Termination of Suspension of Liquidation

We are instructing the U.S. Customs Service to terminate the suspension of liquidation of passive-matrix LCD FPDs from Japan, pursuant to our finding that the petitioners do not have standing with respect to this class or kind of merchandise. The U.S. Customs Service shall release any cash deposits or bonds posted on entries of this product made prior to this determination.

In addition, we are instructing the U.S. Customs Service to terminate the suspension of liquidation of all entries of gas plasma FPDs from Japan. The U.S. Customs Service shall release any cash deposits or bonds posted on entries of gas plasma FPDs made prior to this determination.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we will make available to the ITC all nonprivileged and nonproprietary information relating to these investigations. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

If the ITC determines that material injury, threat of material injury, or retardation of the establishment of an industry, does not exist with respect to any of the products under investigation, the applicable proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled.

However, if the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duty on FPDs from Japan entered or withdrawn from warehouse, on or after the effective date of the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: July 8, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration

[FR Doc. 91-16909 Filed 7-15-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-059]

Pressure Sensitive Plastic Tape From Italy; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the petitioner, the Department of Commerce (the Department) has conducted an administrative review of the antidumping finding on pressure sensitive plastic tape (PSPT) from Italy. The review covers one manufacturer/ exporter of this merchandise to the United States, NAR, S.p.A. (NAR), and the period October 1, 1989, through September 30, 1990. We preliminarily find a *de minimis* margin of .057 percent for the manufacturer/exporter, NAR.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Tom Futtner, Todd Peterson, or Lisa M. Boykin, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-4106/5255.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1990, the Department published a notice of "Opportunity to Request an Administrative Review" (55 FR 40901) of the antidumping finding on PSPT from Italy (42 FR 56110, October 21, 1977). On October 31, 1990, the petitioner, Minnesota Mining & Mfg. Co. (3M), requested an administrative review of the antidumping finding. We initiated the review, covering October 1, 1989 through September 30, 1990, on December 12, 1990 (56 FR 50739). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act). The final results of the last administrative review in this case were published in the **Federal Register** on November 30, 1990 (55 FR 49670).

Scope of the Review

Imports covered by the review are shipments of PSPT measuring over 1⅜ inches in width and not exceeding 4 mils in thickness, classifiable under item numbers 3919.90.20 and 3919.90.50 of the Harmonized Tariff Schedules (HTS). HTS item numbers are provided for convenience and for Customs purposes. The written descriptions remain dispositive.

The review covers one Italian manufacturer/exporter of this merchandise to the United States, NAR, and the period October 1, 1989 through September 30, 1990.

United States Price

In calculating United States price, we used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the packed c.i.f. price to unrelated purchasers in the United States. We made adjustments, where applicable, for ocean freight and marine insurance.

Foreign Market Value

In calculating foreign market value, we used home market price, as defined in section 773 of the Tariff Act, because sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed, ex-factory or delivered price to unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight, differences in credit expenses, discounts, and differences in merchandise. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our review, we preliminarily found the following margin:

Manufacturer/ Exporter	Time period	Margin (percent)
NAR S.p.A.....	10/1/89-09/30/90	.057

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, may request disclosure within 5 days of the date of publication, and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Pre-hearing briefs from interested parties may be submitted not later than 14 days before the date of the hearing. Rebuttal briefs and rebuttal comments, limited to issues raised in the initial round of comments, may be filed not later than 7 days after submission of the initial round of comments. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Since the margin for NAR is .057 percent and therefore *de minimis*, the Department shall not require a cash

deposit of estimated antidumping duties from this firm. For any shipments of this merchandise manufactured or exported by the remaining known manufacturers and/or exporters not covered by this review, the cash deposit will continue at the rate published in the final results of the last administrative review for those firms. For any future entries of this merchandise from an exporter not covered in this or in prior reviews, and who is unrelated to the reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Italian PSPT entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 10, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-16911 Filed 7-15-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-015]

Television Receivers, Monochrome and Color from Japan; Amendment to Final Results of Antidumping Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Amendment to final results of antidumping duty administrative reviews.

SUMMARY: On May 30, 1991, the Department of Commerce published the final results of its administrative reviews of the antidumping finding on television receivers, monochrome and color, from Japan. The reviews cover one manufacturer/exporter of this merchandise to the United States, the Victor Company of Japan, Ltd. (Victor) and the periods August 19, 1983 through March 31, 1984, April 1, 1984 through February 28, 1985, and March 1, 1985 through February 28, 1986. Based on the correction of certain ministerial errors, we are amending the final results of these antidumping duty administrative reviews.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Maura Kim or Melissa G. Skinner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC. 20230, telephone: (202) 377-3601 or (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1991, the Department of Commerce published in the **Federal Register** (56 FR 24370) the final results of its administrative reviews of the antidumping duty order on television receivers, monochrome and color, from Japan (36 FR 4597, March 10, 1971). After publication of our final results, respondent alleged that there were ministerial errors in the calculations of home market direct credit expense in the sixth and seventh reviews, (a parentheses in the wrong position) and the calculation of home market indirect selling expenses in the sixth review (a plus sign instead of an equal sign). We agree, and have corrected these errors.

Amended Final Results of Reviews

As a result of our correction of ministerial errors, we have amended the final results, and have determined the following weighted-average dumping margins for Victor:

Manufacturer/Exporter	Review No.	Period of Review	Margin (%)
Victor	5	8/19/83-3/31/84	0.01
Victor	6	4/01/84-2/28/85	0.00
Victor	7	3/01/85-2/28/86	0.00

Dated: June 28, 1991.

Marjorie A. Chorlins,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 91-16910 Filed 7-15-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-406]

Certain Round-Shaped Agricultural Tillage Tools From Brazil; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration; Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On May 28, 1991, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain round-shaped agricultural tillage tools from Brazil. We have now completed this review and determine the net subsidy to be 0.25 percent *ad valorem* for Semeato and 1.15 percent *ad valorem* for all other firms for the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: July 16, 1991.

FOR FURTHER INFORMATION CONTACT: Anne Driscoll, Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 28, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 24058) the preliminary results of its administrative review of the countervailing duty order on certain round-shaped agricultural tillage tools from Brazil (50 FR 42743; October 22, 1985). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this reveiw are shipments of certain round-shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades. During the review period, such merchandise was classifiable under item numbers 8432.21.00, 8432.29.00, 8432.80.00 and 8432.90.00 of the Harmonized Tariff Schedule. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1989 through December 31, 1989, and nine programs: (1) CACEX Preferential

Working Capital Financing for Exports; (2) Income Tax Exemption for Export Earnings; (3) Preferential Export Financing under CIC–OPCRE of the Banco do Brasil; (4) Preferential Financing for Industrial Enterprises by the Banco do Brasil (FST and EGF loans); (5) Reductions of Taxes and Import Duties under Decree Law No. 77065 through BEFIEX and CIEX; (6) Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central do Brasil; (7) Accelerated Depreciation for Brazilian-made Capital Goods; (8) Preferential Financing under Resolutions 68 and 509 through FINEX; and (9) Preferential Financing under FINEP.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be 0.25 percent *ad valorem* for Semeato, and 1.15 percent *ad valorem* for all other firms for the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Semeato, and to assess countervailing duties of 1.15 percent of the f.o.b. invoice price on all other shipments of the subject merchandise exported on or after January 1, 1989 and on or before December 31, 1989.

Because the only two programs used by the respondents during the review period, the CACEX Preferential Working Capital Financing for Exports and the Income Tax Exemption for Export Earnings, have been terminated by the Government of Brazil, the Department will instruct the Customs Service to waive the collection of cash deposits of estimated countervailing duties on all shipments of the subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91–16913 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–DS–M

University of California, San Diego, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91–031. *Applicant:* University of California, San Diego, La Jolla, CA 92093. *Instrument:* Optical Plankton Counter, Model OPC–1T. *Manufacturer:* Focal Technologies Inc., Canada. *Intended Use:* See notice at 56 FR 13625, April 3, 1991. *Reasons:* The foreign instrument provides counting and sizing of planktonic particles while towed at speeds up to 10 knots and can transmit counts every 0.5 seconds. *Advice Received From:* National Oceanic and Atmospheric Administration, May 23, 1991.

Docket Number: 91–042. *Applicant:* University of California, Berkeley, Berkeley, CA 94720. *Instrument:* Mass Spectrometer, Model VG 70–VSE. *Manufacturer:* VG Analytical Limited, United Kingdom. *Intended Use:* See notice at 56 FR 13626, April 3, 1991. *Reasons:* The foreign instrument provides: (1) Resolution to 50,000, (2) scan speed to 0.5 seconds per decade, (3) mass range of 3,000 at 8kV expandable to 32,000 and (4) thermospray and FAB capability. *Advice Received From:* National Institute of Standards and Technology, May 23, 1991.

Docket Number: 91–049. *Applicant:* University of California, Los Angeles, Los Angeles, CA 90024–1567. *Instrument:* Mass Spectrometer, Model IMS 1270. *Manufacturer:* Cameca S.A., France. *Intended Use:* See notice at 56 FR 14930, April 12, 1991. *Reasons:* The foreign instrument provides: (1) Resolution to 100,000, (2) a laminated magnet with switching time to 0.5s, (3) a four unit multicollector system and (4) thermal ionization and FAB capability. *Advice Received From:* National Institute of Standards and Technology, May 23, 1991.

Docket Number: 91–051. *Applicant:* University of California, Los Alamos, NM 87545. *Instrument:* X-Ray Streak Camera System. *Manufacturer:* Kentech Instruments, Ltd., United Kingdom. *Intended Use:* See notice at 56 FR 14930, April 12, 1991. *Reasons:* The foreign instrument provides resolution of 1.5 ps at an x-ray energy of 250 eV and can detect x-rays in the energy range of 1–1000 eV. *Advice Received From:* National Institute of Standards and Technology, May 24, 1991.

Docket Number: 91–053. *Applicant:* Texas A&M University, College Station, TX 77843–3366. *Instrument:* Charged Particle Magnetic Spectrometer, Model K315. *Manufacturer:* University of Oxford, United Kingdom. *Intended Use:* See notice at 56 FR 14930, April 12, 1991. *Reasons:* The foreign instrument provides a 3 tesla-meter magnet with a mass-energy product of 425. *Advice Received From:* The Argonne National Laboratory, May 31, 1991.

The National Oceanic and Atmospheric Administration, National Institute of Standards and Technology and the Argonne National Laboratory advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91–16914 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equaivalent scientific value, for the purposes of which the instruments shown below are intended to be used,

are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–091. *Applicant:* University of California, Santa Barbara, Geological Sciences Department, Santa Barbara, CA 93106. *Instrument:* Gas Chromatograph and Interface, Model Isochrom I. *Manufacturer:* VG Isotech, United Kingdom.

Intended Use: The instrument will be used to determine how biological processes affect distribution of isotopes in plant leaves and bones and plants excavated at archaeological sites. In addition, the instrument will be used in the course Isotope for Paleobiologists to teach students how to do isotope analysis so they can apply isotopes to their own research interests.

Application Received by Commissioner of Customs: June 18, 1991.

Docket Number: 91–093. *Applicant:* Trustees of Boston University, Boston University Medical Campus, 80 East Concord Street, Boston, MA 02118–2394. *Instrument:* Electron Microscope, Model CM 12. *Manufacturer:* N.V. Philips, the Netherlands. *Intended Use:* The instrument will be used for studies of lipid vesicles, membrane proteins, crystals, yeast Spindle Pole Bodies and Amphibian Nuclear Pore Complexes. Experiments will be conducted on lipoproteins and large macromolecular assemblies in order to elucidate their structure and function. The instrument will also be used to teach students the principles and operation of state of the art cryo-electron miscroscopy.

Application Received by Commissioner of Customs: June 19, 1991.

Docket Number: 91–094. *Applicant:* American Red Cross, Jerome Holland Laboratory, 15601 Crabbs Branch Way, Rockville, MD 20855. *Instrument:* Scanning Calorimeter, Model DASM–4M. Manufacturer: NPO "BIOPRIBOR", Union of Soviet Socialist Republics. *Intended Use:* The instrument will be used for fundamental studies of the domain structure of selected blood proteins through measurements of their denaturation properties. Proteins to be investigated included fibronectin, plasminogen activators, coagulation factors and complement proteins, and fragments of these proteins that are obtained by digestion with proteolytic enzymes or by expression in bacteria and purified by chromatographic methods. *Application Received by Commissioner of Customs:* June 19, 1991.

Docket Number: 91–095. *Applicant:* Lamont-Dohety Geological Observatory, Route 9W, Palisades, NY 10964. *Instrument:* Noble Gas Mass Spectrometer. *Manufacturer:* Mass Analyzer Products, United Kingdom. *Intended Use:* The instrument will be used in studies of water samples from natural systems as groundwater, lakes and oceans for measurement of noble gases, concentrations and isotopic ratios, especially $^{3}He/^{4}He$. The objectives of the experiments will involve investigation of flow patterns and mean residence times of aquatic systems and determination of paleotemperatures from noble gas concentrations. In addition, the instrument will be used for the training of graduate students in methods of noble gas analysis. *Application Received by Commissioner of Customs:* June 20, 1991.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91–16915 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by James and Uta Stein from an Objection by the State of Washington

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dismissal of appeal.

On January 18, 1991, the Secretary of Commerce (Secretary) received a notice of appeal from Alexander W. Mackie, Esquire on behalf of James and Uta Stein (Appellants) under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA) and the regulations located at 15 CFR part 930, subpart H. The appeal is taken from an objection by the State of Washington, Department of Ecology, (State) to the Appellants' consistency certification for a U.S. Army Corps of Engineers' permit to build a 600-foot long sea wall or bulkhead adjacent to their property.

Since the filing of this appeal, the State and Appellants have reached an agreement and the State has notified the Secretary that it is withdrawing its objection to the Appellants' consistency certification. The Appellants concur in the State's withdrawal.

In light of the settlement between the parties and the State's withdrawal of its objection, the appeal has been dismissed for good cause pursuant to 15 CFR 930.128. The State may not renew its objection and the Appellants may not file another appeal from the State's objection to this permit application. This is a final agency action for purposes of judicial review.

FOR FURTHER INFORMATION CONTACT: Susan K. Auer, Attorney-Advisor, Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW, suite 603, Washington, DC 20235, (202) 673–5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: July 10, 1991.

Thomas A. Campbell,

General Counsel.

[FR Doc. 91–16908 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–08–M

Marine Mammals; Application for Permit; Dr. Howard E. Winn and Richard O. Petricig (P12J)

Notice is hereby given that the Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. Applicants:

Dr. Howard E. Winn, Professor of Oceanography and Zoology, Graduate School of Oceanography, University of Rhode Island, Kingston, RI 02881.

Richard 0. Petricig, Ph.D. candidate in Biological Oceanography, Graduate School of Oceanography, University of Rhode Island Kingston, RI 02881.

2. Type of Permit: Scientific research.

3. Name and Number of Marine Mammals: 100 Atlantic bottlenose dolphins.

4. Type of Take: The applicant proposes to take 100 Atlantic bottlenose dolphins by harassment during the course of individual photo-identification and behavioral studies. It is requested that each animal be approached up to six (6) times a month, each month, during the course of the year.

5. Location and Duration of Activity: The activities will occur throughout the year for 5 years in coastal waters of South Carolina. Primarily waters and associated creeks and guts of Bull Creek, adjacent waters of the May River

and Cooper River located in Beaufort County to the west of Hilton Head, South Carolina.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7234, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, Maryland 20910 (301) 427–2289;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813/893–3141);

Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200);

Dated: July 9, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91–16826 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–22–M

Permits; Foreign Fishing

In accordance with a memorandum of understanding with the Department of State, the National Marine Fisheries Service, on behalf of the Secretary of State, publishes for public review and comment a summary of an application received by the Secretary of State requesting a permit for a foreign fishing vessel to operate in the Exclusive Economic Zone under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*). Specifically, the Union of Soviet Socialist Republics has submitted an application to conduct a joint venture (JV) for *Illex* squid in the Northwest Atlantic Ocean. The application requests 1,500 metric tons of *Illex* squid be made available for the JV. The large stern trawler/processor MERIDIAN is identified as the vessel that will receive *Illex* squid from U.S. vessels. Send comments on this application to: NOAA—National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1335 East West Highway, Silver Spring, Maryland 20910, and/or, to one or both of the Regional Fishery Management Councils listed below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422.

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, room 2115, 320 South New Street, Dover, DE 19901, 302/674–2331.

FOR FURTHER INFORMATION CONTACT: John D. Kelly or Robert A. Dickinson (Office of Fisheries Conservation and Management, 301427–2337).

Dated: July 10, 1991.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–16813 Filed 7–15–91; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Macau

July 10, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: July 17, 1991.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6495. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 338 and 339 are being reduced for carryforward used during the previous agreement period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 51945, published on December 18, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 1991.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 12, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on July 17, 1991, you are directed to amend the December 12, 1990 directive to reduce the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Macau:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I	
338	222,170 dozen.
339	939,716 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 91-16851 Filed 7-15-91; 8:45 am]
BILLING CODE 3510-DR-F

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity to be produced by nonprofit agencies employing the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 30, 1991.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action. An abbreviated comment period is being provided because this item is purchased along with three other first aid kits previously proposed for addition to the Procurement List (55 FR 53329, December 28, 1990) and the purpose of the Committee's program would be frustrated if this addition is not expedited. Known affected members of the public have been contacted.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity listed below from nonprofit agencies employing the blind or other severely handicapped.

It is proposed to add the following commodity to the Procurement List:

Kit, First Aid, General Purpose,
6545-00-656-1093.

Beverly L. Milkman,
Executive Director.
[FR Doc. 91-16864 Filed 7-15-91; 8:45 am]
BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of new system of records.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is establishing a new system of records in accordance with the Privacy Act of 1974, 5 U.S.C. 552a ("Privacy Act"), entitled Office of the Inspector General Investigative Files. This notice is intended to inform the public of the existence and character of this system of records. The Commission is also proposing routine uses for this system.

DATES: Effective date of system: July 16, 1991. Comments concerning routine uses must be received on or before August 15, 1991.

ADDRESSES: Comments concerning routine uses should be addressed to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Judity A. Ringle, Esq., Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581. Telephone (202) 254-7110.

SUPPLEMENTARY INFORMATION: In accordance with the Inspector General Act of 1978, as amended by the Inspector General Act Amendments of 1988 (Pub. L. 95-452, as amended, 5 U.S.C. app. 3), the Commission created an Office of the Inspector General ("OIG") in April 1989. OIG is an independent unit established to promote economy, efficiency, and effectiveness in the administration of Commission programs and operations and to detect and prevent fraud, waste and abuse in such programs and operations. In addition, OIG assists in the prosecution of participants in such fraud or abuse and reports to the Attorney General whenever the Inspector General has grounds to believe there has been a violation of Federal criminal law. OIG also keeps the Chairman and Congress fully informed about any problems or deficiencies in the administration of Commission programs and operations and provides recommendations for correction of these problems or deficiencies.

The Commission is establishing a new system of records, pursuant to the Privacy Act, entitled Office of the Inspector General Investigative Files. This system of records will be maintained solely by OIG and will remain separate from other Commission records. The system will consist of files and records compiled by the Commission's Office of the Inspector General concerning persons who have been part of an investigation of fraud and abuse concerning Commission programs or operations. The proposed system will allow the Commission's Office of Inspector General to carry out its mandate under the Inspector General Act, as amended.

The Commission proposes to exempt certain files within this system of records from disclosure to individuals who are the subject of a record in the system. The exemptions would cover only files compiled for the following purposes: (i) Identifying criminal offenders and alleged offenders and consisting of identifying data and notations of sentencing, confinement, release, and parole and probation status; (ii) a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; (iii) reports of enforcement of the criminal laws from arrest or indictment through release from supervision; and (iv) investigatory material compiled for law enforcement purposes. Those exemptions are the subject of a companion notice of proposed rulemaking that appears elsewhere in today's issue of the Federal Register. A report of the proposal to establish this system of records was filed pursuant to 5 U.S.C. 552a(o) with Congress and the Office of Management and Budget.

Accordingly, the Commission is establishing the following system of records for its Office of the Inspector General:

CFTC-32

SYSTEM NAME

Office of the Inspector General Investigative Files.

SYSTEM LOCATION

Office of the Inspector General, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581.

CATEGORIES OF RECORDS IN THE SYSTEM

All correspondence relevant to the investigation; all internal staff memoranda, copies of all subpoenas issued during the investigation, affidavits, statement from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits; documents and records or copies obtained during the investigation;

working papers of the staff and other documents and records relating to the investigation; and opening reports, progress reports and closing reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95–452, as amended, 5 U.S.C. app. 3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae and may be made available to the extent required by law in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

(2) In any case in which records in the system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, foreign, state or local, charged with enforcing or implementing the statute, regulation, rule or order.

(3) In any case in which records in the system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, the relevant records may be referred to the appropriate board of trade designated as a contract market by the Commission or to the appropriate futures association registered with the Commission, if the OIG has reason to believe this will assist the contract market or registered futures association in carrying out its self-regulatory responsibilities under the Commodity Exchange Act, 7 U.S.C. 1 et seq., and regulations, rules or orders issued pursuant thereto, and such records may also be referred to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., and regulations, rules or orders issued pursuant thereto.

(4) The information may be given or shown to anyone during the course of an OIG investigation if the staff has reason to believe that disclosure to the person will further the investigation. Information may also be disclosed to Federal, foreign, state or local authorities in order to obtain information or records relevant to an OIG investigation.

(5) The information may be given to independent auditors or other private firms with which the OIG has contracted to carry out an independent audit, or to collate, aggregate or otherwise refine data collected in the system of records. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

(6) The information may be disclosed to a Federal, foreign, state or local government agency where records in this system of records pertain to an applicant for employment, or to a current employer of that agency where the records are relevant and necessary to an agency decision concerning the hiring or retention of an employee or disciplinary or other administrative action concerning an employee.

(7) The information may be disclosed to a Federal, foreign, state, or local government agency in response to its request in connection with the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

(8) The information may be disclosed to the Department of Justice or other counsel to the Commission for legal advice and also when the defendant in litigation is: (a) Any component of the Commission or any member or employee of the Commission in his or her official capacity; or (b) the United States. The information may also be disclosed to counsel for any Commission member or employee in litigation or anticipating litigation in his or her individual capacity where the Commission or the Department of Justice agrees to represent such employee or authorizes representation by another.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records in file folders, computer diskettes and computer memory.

RETRIEVABILITY:

By the name of the subject of the investigation or by assigned identification number.

SAFEGUARDS

The records are kept in limited access areas during duty hours and in file cabinets in locked offices at all other times. These records are available only to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The Office of the Inspector General Investigative Files are destroyed ten years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of the Inspector General, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves, should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

RECORD ACCESS PROCEDURES:

See Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See Notification Procedure above.

RECORD SOURCE CATEGORIES:

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the Commission; records of other entities; federal, foreign, state or local bodies and law enforcement agencies; documents, correspondence relating to litigation, and transcripts of testimony; and miscellaneous other sources.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

Under 5 U.S.C. 552a(j)(2), this system of records is exempted from 5 U.S.C. 522a except subsections (b), (c) (1), and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) to the extent the system of records pertains to the enforcement of criminal laws, and under 5 U.S.C. 552a(k)(2) is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). These

exemptions are contained at 17 CFR 146.13.

Issued in Washington, DC, on July 10, 1991 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91–16847 Filed 7–15–91; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent (NOI) To Prepare a Programmatic Environmental Impact Statement, for the Proposed Action To Develop and Test a Nonnuclear Kinetic Energy Anti-Satellite (KE ASAT) Weapon System

AGENCY: United States Army Strategic Defense Command (USASDC).

SUMMARY: The proposed KE ASAT weapon system being developed by a joint Army and Air Force program office would employ ground-based missiles to intercept and disable designated target space vehicles. It would consist of a launch complex and associated command and communications network.

Activities and Related Environmental Documentation:

Environmental Assessment—System concepts and requirements have been developed. Testing and support of the concept demonstration is occurring at Edwards Air Force Base, California. This activity is discussed in "A Kinetic Energy Anti-Satellite Demonstration/Validation Environmental Assessment (USASDC 1990)".

Programmatic EIS—This programmatic EIS will be prepared and considered prior to the decision to initiate Engineering and Manufacturing Development Testing. It will analyze the environmental consequences of the KE ASAT Program in support of continuing system development and testing with emphasis on Engineering and Manufacturing Developmental Testing.

Future Documentation—Environmental documentation required to support production and deployment activities will be prepared prior to any production and deployment decision.

PROPOSED ACTION: To validate design of the KE ASAT system, seven flights are planned for the Engineering and Manufacturing Developmental testing. This testing, which is not scheduled for several years, will be conducted in compliance with applicable Congressional directives. Construction requirements may consist of launch sites, a Battery Control Center, security facilities, storage and depot maintenance areas. Alternative Engineering and Manufacturing Developmental test location include Western Test Range and Eastern Test Range. Therefore, alternatives to be considered are:

a. No action.

b. Utilize Eastern Test Range-Launch Complex 12 at Cape Canaveral AFS, Florida.

c. Utilize Western Test Range-ABRES-A Site at Vandenberg AFB, California.

SCOPING: Comments received as a result of this notice will be used to assist the Army in identifying potential impacts to the quality of the human environment. Individuals or organizations may participate in the scoping process by written comment or by attending a scoping meeting to be held at the listed times and locations:

SCOPING MEETINGS

Date	Time	Location
July 29, 1991	1 p.m.	Washington Plaza Hotel, Massachusetts and Vermont Avenues, NW., Washington, DC 20005.
July 30, 1991	7 p.m.	Cocoa Beach Hilton, 1550 N. Atlantic Avenue, Cocoa Beach, FL 32931.
August 1, 1991	7 p.m.	Santa Maria Inn, 801 South Broadway, Santa Maria, CA 93454.

Written comments and questions about the Proposed Action and Programmatic EIS may be forwarded to: J. Michael Jones, U.S. Army Strategic Defense Command, ATTN: CSSD–EN, P.O. Box 1500, Huntsville, AL 35807–3801.

Comments should be received by September 4, 1991. Questions regarding this proposal may be directed to J. Michael Jones at (205) 955–4890.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, Environment, Safety and Occupational Health (DESOH).

[FR Doc. 91–16979 Filed 7–15–91; 8:45 am]

BILLING CODE 3710–08–M

Rules and Accessorial Services Governing the Movement of Department of Defense Bulk Liquid Commodity Traffic Requiring Tank Truck Service

AGENCY: Military Traffic Management Command (MTMC), DoD.

ACTION: Procedural changes in DoD freight rate acquisition programs; final rule.

SUMMARY: On September 28, 1989 (54 FR 39802), MTMC, on behalf of the DoD published a notice of intent to modify the procedure used to acquire rates and charges from the commercial motor carrier industry for the movement of its bulk liquid commodity traffic requiring tank truck service. This modification is the issuance of a rules publication designed to standardize and simplify the procurement of rates and services for this traffic under 49 U.S.C. 10721. This publication, MTMC Freight Traffic Rules Publication No. 4, is now final. Copies of the publication may be obtained by writing to: Headquarters, Military Traffic Management Command, ATTN: MTIN-NG, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

EFFECTIVE DATES: August 30, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Len Wright, HQ, Military Traffic Management Command, ATTN: MTIN-NG, 5611 Columbia Pike, Falls Church, VA 22041–5050, or telephone (703) 756–1585.

SUPPLEMENTARY INFORMATION: The transportation regulatory reform legislation enacted over the past several years has brought an influx of new carriers doing business with DoD resulting in a corresponding proliferation of rate publications, and a great diversity in the manner in which carriers' rates, rules, and services are expressed within those publications. As a result, the standardization and automation of carriers' rates and charges are essential to the formulation of a successful and manageable rate comparison program. Automation is feasible, of course, only if these rates and charges are expressed in a uniform manner compatible with electronic data processing.

MTMC Freight Traffic Rules Publication No. 4 (MFTRP No. 4) contains both rules and accessorial service requirements to govern the rates and services of all motor tank truck carriers doing business with DoD. The publication has application to both interstate and intrastate commerce from, to, or between points in the continental United States (CONUS), and from, to, or between points in CONUS and points in Alaska and/or Canada which are specified in carriers' individual tenders filed with HQ, MTMC. The purpose in developing this publication is to define and clearly express the transportation needs of DoD for the movement of bulk liquid commodities requiring tank truck

service and to provide the standardization necessary for achieving a fully automated system for routing and auditing DoD traffic.

This publication is designed to be used with DoD Standard Tender of Freight Services, MT Form 364-R. Bulk liquid commodity tenders filed on or after August 30, 1991, must be submitted on MT Form 364-R. Tenders of carriers subject to MFTRP No. 4 may not refer to any other publication of rates and charges therein.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 91-16804 Filed 7-15-91; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Teleconference Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming teleconference meeting of the Design and Analysis Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: July 18, 1991.

TIME: 11 a.m. (e.d.t.).

PLACE: National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Director, National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC, 20005-4013, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title III-C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100-297), (20 U.S.C. 1221e-1).

The Board is established to advise the Commissioner of the National Center for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis, and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons. The Design and Analysis Committee of the National Assessment Governing Board will meet via teleconference on July 18, 1991. The proposed agenda includes discussion of the draft policy on linking; discussion of the scaling issues associated with the NAEP data; and, technical issues related to an individualized NAEP. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC, from 8:30 a.m. to 5:30 p.m.

Dated: July 11, 1991.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 91-16948 Filed 7-15-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Support of High Sulfur Coal Research

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance (grant) award.

SUMMARY: The Department of Energy (DOE), announces that pursuant to 10 CFR 600.7(b), it is intending to award a grant on a noncompetitive basis to the State of Illinois Department of Energy and Natural Resources (ENR) for the "Support of High Sulfur Coal Research."

SCOPE: The objective of this project is to stimulate the utilization of high-sulfur coal, the predominant generic coal type found in the Illinois Basin as well as in other important bituminous coal producing regions in the United States, while meeting New Source Performance Standards and the National Environmental Policy Act through Coal Preparation, Advanced Combustion, Fluidized Bed Combustion, Gasification, Waste Management, and Gas Stream Cleanup. The intended research will (1) develop improved coal cleaning technology and investigate the distribution and basic nature of noxious elements, especially sulfur, contained in coal, (2) develop advanced combustion technologies that will not only meet stringent emission regulations, but also maintain or increase thermal efficiency and combustor performance, and (3) transfer the technological information developed to industry through publications and regularly held conferences and workshops. The State of Illinois will make available to this project the personnel, material and other facilities necessary for carrying out a research program dedicated to solving problems inherent in the use of high-sulfur coal.

In accordance with the criteria presented under 10 CFR 600.7(b)(2)(i) criteria (A), (B), and (D), the State of Illinois has been selected as the grant recipient. This activity would be solely conducted by the State of Illinois using its own resources; however, DOE support of the activity would enhance the public benefits to be derived by cosponsoring work in areas for which there is insufficient funding available, and by preventing duplications of effort in parallel DOE/State of Illinois R&D. Addtionally, by pursuring its own research and development program since 1982, the State of Illinois has become a unique repository of the extensive data and information relating to the high-sulfur coals endemic to the Illinois Basin.

The term of the grant is for a one-year period at an estimated value of $2,974,000.00. This funding level will be equally shared between DOE and the State of Illinois.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Attn: Maryann Lundgren, P.O. Box 10940, MS 921-118, Pittsburgh, PA 15236, Telephone: AC (412) 892-5912.

Dated: July 1, 1991.

Carroll A. Lambton,

Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 91-16919 Filed 7-15-91; 8:45 am]

BILLING CODE 6450-01-M

San Francisco Operations Office; Financial Assistance Award (Grant)

AGENCY: U.S. Department of Energy (DOE); San Francisco Operations Office (SAN).

ACTION: Notice of intent to award a grant on the basis of noncompetitive financial assistance.

SUMMARY: The Dept. of Energy, San Francisco Operations Office announces

that it intends to enter into a five year grant with the National Fenestration Rating Council (NFRC), to assist their development of a voluntary, national energy rating system for fenestration. This rating system needs to be fair, accurate and credible. NFRC will also coordinate certification and labeling activities. Pursuant to the DOE Financial Assistance Rule, 10 CFR 600.7(b)(2)(i), DOE/SAN has determined that eligibility for this grant award shall be limited to NFRC under criterion (b): support of an activity that would enhance the public benefits to be derived.

The DOE desires to enhance the public benefits to be derived by providing financial assistance and knows of no other entity which is conducting or is planning to conduct this activity. The project is expected to have a five (5) year life including five (5) separately funded one (1) year budget periods. $100,000 in FY91 funds has been provided for the first year of this effort. Additional funding will be provided for each respective budget period. Total estimated cost for the project is $970K. The period of performance is expected to start July 1991, and expire five years thereafter. Grant No. DE–FG03–91SF19011.

FOR FURTHER INFORMATION CONTACT: William O'Neal, Contracting Officer, U.S. Department of Energy, San Francisco Operations Office, 1333 Broadway, CM Division, Oakland, CA 94612.

Issued in Oakland, CA.

Kathleen M. Day,

Director, Contracts Management Division.

[FR Doc. 91–16916 Filed 7–15–91; 8:45 am]

BILLING CODE 6450–01–M

Research Consortium on Fractured Petroleum Reservoirs, Non-Competitive Financial Assistance (Grant) Award

AGENCY: U.S. Department of Energy, Bartlesville Project Office.

ACTION: Notice of non-competitive financial assistance (grant) award with the Reservoir Engineering Research Institute.

SUMMARY: The Department of Energy (DOE), Bartlesville Project Office (BPO) announces that pursuant to 10 CFR 600.7(b)(2)(i) criteria (B) and (D), it intends to make a non-competitive Financial Assistance (Grant) award through the Pittsburgh Energy Technology Center to Reservoir Engineering Research Institute.

SCOPE: Based upon the authority of 10 CFR 600.7(b)(2)(i) criteria (B) and (D), the objective of this proposed project is to provide financial assistance which will permit the DOE, Bartlesville Project Office, to become a member in a Consortium Agreement, conducted by the Reservoir Engineering Research Institute, for a research consortium to carry out in-depth studies of experimental, theoretical, and computational aspects of multiphase flow in fractured porous media.

The purpose of this project is to develop a full understanding of the role of capillary, gravity, diffusive, and viscous forces in the flow of fluids in fractured porous media. The research will be subdivided into two tasks. Task I, Experimental research, will examine the re-infiltration process which is a reflection of capillary, gravity, and viscous forces in flow through fractured porous media, Task II, Experiments, will quantify mainly diffusive forces infractured porous media. A plan will be presented to conduct experiments to quantify the physics of multiphase flow in fractured porous media. The term of the grant is for a twenty-four (24) month period at an estimated value of $342,000.00. The total DOE share is $40,000.00.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–118, Pittsburgh, PA 15236, Attn: Dona G. Sheehan, Telephone: AC 412/892–5918.

Dated: July 2, 1991.

Carroll A. Lambton,

Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 91–16918 Filed 7–15–91; 8:45 am]

BILLING CODE 6450–01–M

Field Office—Oak Ridge; Determination of Noncompetitive Financial Assistance

AGENCY: Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2)(i), it intends to issue on a noncompetitive basis a renewal to Vanderbilt University, Nashville, TN, to continue providing academic training and sufficient on-the-job training to interns to enable them to function as professionals in the management of waste resulting from the decontamination and decommissioning of nuclear facilities. The period of performance for the renewal will be one year. The estimated cost is $350,000.

PROCUREMENT REQUEST NO.: 05–910R21479.001.

PROJECT SCOPE: The grant, awarded August 1, 1984, was as a result of an unsolicited application. Vanderbilt University's May 1991 application is for renewal of the existing grant. This internship program provides six people a year with the proper academic training and sufficient on-the-job training to enable them to function as professionals in the management of waste resulting from the decontamination and decommissioning of nuclear facilities. The grant, which funds a Radioactive Waste Management Internship Program, plays a major role in meeting the objective of providing young, trained personnel to enter the fields of environmental restoration and radioactive waste management. At the end of two years of academic work, the students are assigned for three months to a DOE-owned contractor-operated facility or to a DOE prime contractor to gain first-hand experience in the field. To date, most of the graduating students have chosen to work in the areas for which they have trained, thereby meeting the primary objective of the program. In view of the nation's environmental consciousness related to cleanup of Department of Energy facilities, it is clear that the increase in the number of skilled personnel trained in radioactive waste management as a result of the Vanderbilt University Internship Program will aid in strengthening the Department's position of assuring that contaminated sites are properly decontaminated and decommissioned in an efficient and timely manner. In order to maintain continuity of a long-range program that has entered its seventh year, eligibility for renewal of this award is restricted to Vanderbilt University.

FOR FURTHER INFORMATION CONTACT: Gregory A. Mills, USDOE, Energy Programs Division, P.O. Box 2001, Oak Ridge, TN 37831–8622, (615) 576–0951.

Issued in Oak Ridge, TN on July 3, 1991.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations Office.

[FR Doc. 91–16920 Filed 7–15–91; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

Financial Assistance Award; Intent To Award Grant to New England Governors' Conference

AGENCY: Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award based on an unsolicited application submitted to the U.S. Department of Energy, Boston Support Office, from the New England Governors' Conference (NGC). This Financial Assistance Grant is awarded under Grant Number DE–FG41–91R110435.

The grant will provide funding in the amount of $150,000 for the NGC to assess the means and to design a process for a comprehensive energy planning effort in New England. The intent is to develop a planning process through modeling capability, database development, and policy analysis and formulation to provide a comprehensive and balanced assessment of New England's energy situation; to assist in formulating policy directions for the region; and to contribute to an understanding and integration of the regional planning process within the context of the National Energy Strategy.

DOE knows of no other entity in the Northwest that is conducting or planning to conduct such an effort. This effort is suitable for noncompetitive financial assistance and would not be eligible for financial assistance under a recent, current, or planned solicitation.

DATES: The term of this grant shall be twelve (12) months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: Hugh Saussy, Jr., Boston Support Office, U.S. Department of Energy, One Congress Street, 11th Floor, Boston, Massachusetts 02114–2021, (617) 565–9700.

Issued in Washington, DC on July 9, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 91–16917 Filed 7–15–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER91–524–000, et al.]

Southern Company Services, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

July 8, 1991.

Take notice that the following filings have been made with the Commission:

1. Southern Company Services, Inc.

[Docket No. ER91–524–000]

Take notice that on July 1, 1991, Southern Company Services, Inc. ("SCS"), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company ("Southern Companies"), tendered for filing a Letter Agreement extending certain obligations under the Short-term Unit Power Sales Agreement, as amended, between Florida Power & Light Company, Southern Companies and SCS.

The Letter Agreement extends the term of the Short-term Unit Power Sales Agreement, as amended, through July 31, 1991. The rates established in the Short-term Unit Power Sales Agreement, as amended, are not changed by the Letter Agreement and will continue in effect through the extended term of the Short-term Unit Power Sales Agreement, as amended.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Puget Sound Power & Light Company

[Docket No. ER91–517–000]

Take notice that Puget Sound Power & Light Company (Puget) on July 1, 1991 tendered for filing a proposed Supplement No. 10 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and through the Bonneville Power Administrator (Bonneville) Contract No. 14–13–001–11487. (Puget Sound Power & Light Company Supplement No. 10 to Rate Schedule FPC No. 16). The proposed Supplement relates to certain transmission service to Tanner Electric at the Luhr Beach point of delivery which was previously provided under Contract No. 14–03–17258 between Puget and Bonneville (FPC Rate schedule No. 14). The proposed change would increase revenue from jurisdictional service under this schedule from $7,093 for the twelve months prior to November 30, 1987 to $74,076 for the twelve months immediately thereafter.

This change in the rate schedule from that formerly effective under Rate Schedule FPC No. 14 is necessary to reflect the costs of providing this transmission service. Puget and Bonneville have agreed upon an effective date for original Supplement No. 10 of November 30, 1987.

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. PSI Energy, Inc.

[Docket No. ER91–511–000]

Take notice that PSI Energy, Inc. (PSI), on July 1, 1991, tendered for filing changes to the rates for certain of its services pursuant to the Interconnection Agreements between PSI and Central Illinois Public Service Company, Southern Indiana Gas and Electric Company and Hoosier Energy Rural Electric Cooperative and pursuant to the Power Coordination Agreement between PSI and the Wabash Valley Power Association, Inc.

The filed changes modify PSI's rates for the following types of service:

1. Emergency
2. Interchange Power
3. Short Term Power
4. Limited Term Power

Copies of the filing were served on Central Illinois Public Service Company, Southern Indiana Gas and Electric Company, Hoosier Energy Rural Electric Cooperative, Inc., Wabash Valley Power Association, Inc., the Illinois Commerce Commission and the Indiana Utility Regulatory Commission.

PSI has requested a waiver of the Commission's Rules and Regulations to permit the proposed rates for services to become effective July 1, 1991.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Minnesota Power & Light Company

[Docket No. ER91–504–000]

Take notice that on June 27, 1991, Minnesota Power & Light Company (MP&L) tendered for filing on behalf of itself and Wisconsin Power & Light Company (WP&L), an Interchange Agreement between the two companies and accompanying service schedules setting rates, terms and conditions for sales of negotiated capacity and general purpose energy between the companies. WP&L submitted a certificate of concurrence in the filing.

MP&L and WP&L request waiver of the Commission's notice requirements and an effective date of June 1, 1991.

Copies of the filing have been served on WP&L, the Minnesota Public Utilities Commission, the Minnesota Department of Public Service, and the Public Service Commission of Wisconsin.

Comment date: July 19, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Power and Light Company

[Docket No. ER91-506-000]

Take notice that on June 27, 1991, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Agreement dated December 4, 1990, between the Village of Black Earth and WPL. WPL states that this new Wholesale Power Agreement revises the previous agreement between the two parties which was dated June 22, 1990, and designed Rate Schedule No. 155 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for this customer will be on a similar basis to the terms of service for other W-3 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date be assigned. WPL states that copies of the agreement and the filing have been provided to the Village of Black Earth and the Wisconsin Public Service Commission.

Comment date: July 19, 1991 in accordance with Standard Paragraph E at the end of this notice.

6. Puget Sound Power & Light Company

[Docket No. ER91-512-000]

Take notice that Puget Sound Power & Light Company ("Puget") on July 1, 1991, tendered for filing a proposed Supplement No. 10 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and through the Bonneville Power Administrator ("Bonneville") Contract No. 14-13-001-11487. (Puget Sound Power & Light Company Supplement No. 10 to Rate Schedule FPC No. 16). The proposed Supplement relates to certain transmission service to Tanner Electric at the North Bend point of delivery which was previously provided under contract No. 14-03-65493 between Puget and Bonneville (FPC Rate Schedule No. 20). The proposed change would increase revenue from jurisdictional service under this schedule from $8,390 for the twelve months prior to November 30, 1987 to $75,001 for the twelve months immediately thereafter.

This change in the rate schedule from that formerly effective under Rate Schedule FPC No. 20 is necessary to reflect the costs of providing this transmission service. Puget and Bonneville have agreed upon an effective date for original Supplement No. 10 of November, 30, 1987.

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E end of this notice.

7. Puget Sound Power & Light Company

[Docket No. ER91-514-000]

Take notice that Puget Sound Power & Light Company ("Puget") on July 1, 1991, tendered for filing Amendatory Agreement No. 1 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and through the Bonneville Power Administration ("Bonneville"), Contract No. 14-13-001-11487. (Rate Schedule FPC No. 16.)

The change in the rate schedule has no effect on the rates Puget charges for transmission services provided to Bonneville. Amendatory Agreement No. 1 simply clarifies certain language in the Genera1 Transfer Agreement regarding the calculation of applicable credits.

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Puget Sound Power & Light Company

[Docket No. ER91-513-000]

Take notice that Puget Sound Power & Light Company ("Puget") on July 1, 1991, tendered for filing proposed changes in its Supplement No. 8 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and through the Bonneville Power Administrator ("Bonneville") Contract No. 14-13-001-11487. (Puget Sound Power & Light Company Supplement No. 8 to Rate Schedule FPC No. 16.) The proposed changes would increase revenue from jurisdictional service under this schedule from $57,953 for the twelve months prior to April 8, 1986 to $66,425 for the twelve months immediately thereafter, and from $62,776 for the twelve months prior to January 31, 1989 to $96,394 for the twelve months immediately thereafter.

These changes in the rate schedule are necessary to reflect the costs of providing this transmission service during the specified periods. Puget and Bonneville have agreed upon an effective date for Revision No. 1 of April 8, 1986 and an effective date of January 31, 1989 for Revision No. 2.

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Union Electric Company

[Docket No. ER91-521-000]

Take notice that Union Electric Company, on July 1, 1992, tendered for filing Second Revised Transmission Service Transaction 1 of Service Schedule E dated June 12, 1991, to the Interconnection Contract of September 18, 1979 between City of Columbia, Missouri, and Union Electric Company.

Union Electric states the purpose of the Second Revised Transmission Service Transaction 1 of Service Schedule E is to extend the term of the Transaction 1 and establish a new rate for transmission service.

Union requests an effective date of June 1, 1991.

Comment date: July 22, 1991 in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Company

[Docket No. ER91-508-000]

Take notice that on June 27, 1991, New England Power Company (NEP) filed four executed amendments to Service Agreements for transmission service between NEP and the Boston Edison Company, Littleton Electric Light & Water Department, Templeton Municipal Lighting Plant and Ipswich Municipal Light Department. NEP states that the purpose of these amendments is to accommodate purchases from L'Energia, Inc.'s (L'Energia) facility to be located in Lowell, Massachusetts.

NEP requests waiver of the Commission's notice requirements so that the Service Agreement amendments can be accepted by the Commission, to become effective upon commercial operation of L'Energia's facility, which is anticipated for April, 1992. As good cause for the request for waiver, NEP states that Commission acceptance of the transmission arrangements is ncessary for L'Energia to secure continued financing of the project.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Power Service Corporation, on Behalf of Monogahela Power Company, the Potomac Edison Company, West Penn Power Company, (The APS Companies)

[Docket No. ER91-189-000]

Take notice that on July 1, 1991, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Company (the "APS Companies"), filed an amendment to the initial rate filing of December 31, 1990, for a Standard Transmission Service Rate Schedule to provide for transmission service through the facilities of the APS Companies. The proposed effective date for the rate schedule is December 31, 1990.

Copies of the initial filing and the amended filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. Puget Sound Power & Light Company

[Docket No. ER91-520-000]

Take notice that Puget Sound Power & Light Company ("Puget") on July 1, 1991, tendered for filing a proposed Supplement No. 11 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and through the Bonneville Power Administrator ("Bonneville") Contract No. 14-13-001-11487. (Puget Sound Power & Light Company Supplement No. 11 to Rate Schedule FPC No. 16.) The proposed Supplement relates to certain transmission service to Public Utility District No. 1 of Kittitas County at the Teanaway point of delivery which was previously provided under Contract No. 14-03-001-11615 between Puget and Bonneville (Rate Schedule FPC No. 13). The proposed change would increase revenue from jurisdictional service under this schedule from $659 for the twelve months prior to July 31, 1988 to $7,950 for the twelve months immediately thereafter.

This change in the rate schedule from that formerly effective under Contract No. 14-03-001-11615 is necessary to reflect the costs of providing this transmission service. Puget and Bonneville have agreed upon an effective date for Supplement No. 11 of July 31, 1988

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E end of this notice.

13. Southwestern Public Service Company

[Docket No. ER85-477-009]

Take notice that on July 1, 1991, Southwestern Public Service Company tendered for filing its Compliance Refund Report pursuant to the Commission's order dated June 24, 1991.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Pennsylvania Electric Company, Metropolitan Edison Company, Jersey Central Power & Light Company

[Docket No. ER91-509-000]

Take notice that on July 1, 1991, Pennsylvania Electric Company, Metropolitan Edison Company and Jersey Central Power & Light Company (collectively, the GPU Companies) tendered for filing pursuant to rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a new Schedule 5.012 to the GPU System Power Pooling Agreement as a change in rate schedule. Schedule 5.012 provides for transmission service charges among the GPU Companies for intrasystem transmission services under the Power Pooling Agreement to be provided for the delivery of energy being purchased by the GPU Companies from others under certain short-term reserved economy power purchase arrangements. The GPU Companies have requested a waiver pursuant to § 35.11 of the Commission's Regulations to permit the rate schedule to become effective as of January 1, 1991.

Copies of the filing have been served on the Pennsylvania Public Utility Commission and Board of Public Utilities of the State of New Jersey.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. Puget Sound Power & Light Company

[Docket No. ER91-515-000]

Take notice that on Puget Sound Power & Light Company (Puget) on July 1, 1991 tendered for filing proposed changes in its Supplement No. 7 to the General Transfer Agreement between Puget and the United States of America, Department of Interior acting by and Through the Bonneville Power Administrator (Bonneville) Contract No. 14-13-001-11487. (Puget Sound Power & Light Company Supplement No. 7 to Rate Schedule FPC No. 16.) The proposed changes would increase revenue from jurisdictional service under this schedule from $56,430 for the twelve months prior to December 31, 1986 to $191,941 for the twelve months immediately thereafter, and from $194,583 for the twelve months prior to January 31, 1989 to $226,323 for the twelve months immediately thereafter.

These changes in the rate schedule are necessary to reflect the costs of providing this transmission service during the specified periods. Puget and Bonneville have agreed upon an effective date for Revision No. 4 of December 31, 1986 and an effective date of January 31, 1989 for Revision No. 5.

Copies of the filing were served upon Bonneville.

Comment date: July 22, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. PSI Energy, Inc.

[Docket No. ER91-510-000]

Take notice that PSI Energy, Inc. (PSI) on July 1, 1991, tendered for filing pursuant to the Interconnection Agreement between PSI and The Cincinnati Gas & Electric Company (CG&E), an Eleventh Supplemental Agreement dated May 1, 1991.

Said Supplemental Agreement provides for the following:

(1) Amend article 2 to reflect those services currently being utilized, redefine the term out-of-pocket cost and add a section pertaining to the Clean Air Act.

(2) Modify Rate Schedule A—Emergency Service to change PSI's and CG&E's rates.

(3) Modify Rate Schedule B—Interchange Power to change PSI's and CG&E's rates.

(4) Modify Rate Schedule E—Short Term Power to change PSI's and CG&E's rates and add PSI and CG&E third Party weekly and daily rates.

(5) Add a Rate Schedule F—Limited Term Power.

Copies of the filing were served on The Cincinnati Gas & Electric Company, the Public Utilities Commission of Ohio, and the Indiana Utility Regulatory Commission.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed services to become effective June 1, 1991.

Comment date: July 22, 1991 in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-16814 Filed 7-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD9-07820T Colorado-1 Amendment]

State of Colorado Oil and Gas Conservation Commission; Determination Designating Tight Formation

July 9, 1991.

Take notice that on July 3, 1991, the State of Colorado, Oil and Gas Conservation Commission (Colorado) submitted the above referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the "J" Sand Formation in portions of Adams and Weld Counties, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The geographical area covered by Colorado's determination consists of all of the area which was previously excluded from tight formation designation by the Commission in Order No. 124, issued January 23, 1981. The notice of determination also contains Colorado's findings that the referenced portions of the "J" Sand Formation meet the requirements of the Commission's regulations set forth in 18 CFR Part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-16815 Filed 7-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-07821T Colorado-42]

State of Colorado Oil and Gas Conservation Commission; Determination Designating Tight Formations

July 9, 1991.

Take notice that on July 3, 1991, the State of Colorado, Oil and Gas Conservation Commission (Colorado) submitted the above referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Codell and Niobrara Formations underlying a portion of Weld County, Colorado, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978. The geographical area covered by Colorado's determination consists of all of Section 20 in Township 5 North, Range 63 West (6th P.M.), in Weld County. The notice of determination also contains Colorado's findings that the referenced portions of the Codell and Niobrara Formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-16816 Filed 7-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-07822T Wyoming-22]

State of Wyoming Oil and Gas Conservation Commission; Determination Designating Tight Formation

July 9, 1991.

Take notice that on July 3, 1991, the State of Wyoming, Oil and Gas Conservation Commission (Wyoming) submitted the above-referenced notice of determination to the Commission, pursuant to § 721.703(c)(3) of the Commission's regulations, that the Lower Fort Union Formation in portions of Fremont and Natrona Counties, Wyoming, qualifies as a tight formation under Section 107(b) of the Natural Gas Policy Act of 1978. The notice of determination covers all of Sections 4–6 in T35N, R89W (6th P.M.), all of Sections 1–6 in T35N, R90W (6th P.M.), all of Sections 4–9, 16–21, and 28–33 in T36N, R89W (6th P.M.), all of T36N, R90W (6th P.M.), all of Sections 1 and 31, plus Section 2 (Lots 1, 2 & 3, S½NE, SENW, SE, E½SW), Section 4 (Lots 2, 3, & 4, S½NW, SWNE, N½SW), Section 5 (Lots 1, 2, 3, & 4, S½N½, N½S½), Section 6 (Lots 1, 2, 3, 4, 5, & 6, N½SE, SENW), and Section 7 (Lots 1, 2, 3, & 4) in T37N, R89W (6th P.M.), all of Sections 1–11, 14–36, plus Section 12 (N½, N½S½, SWSW), and Section 13 (W½W½, SESW, S½SE) in T37N, R90W (6th P.M.), all of T37N, R91W (6th P.M.), all of Sections 1, 2, 12, 13, 24, 25, and 36 in T37N, R92W (6th P.M.), all of Sections 13–36 in T38N, R89W (6th P.M.), all of Sections 13–36 in T38N, R90W (6th P.M.), all of Sections 13–36 in T38N, R91W (6th P.M.), and all of Sections 13, 14, 23–26, 35 and 36 in T38N, R92W (6th P.M.). The notice of determination also contains Wyoming's findings that the referenced portions of the Lower Fort Union Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-16817 Filed 7-15-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES90-28-001]

Texas-New Mexico Power Co; Amended Application

July 5, 1991.

Take notice that on July 1, 1991, Texas-New Mexico Power Company filed an amendment to its application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authorization to increase amount authorized from $120 million to $200 million and to extend the final maturity

date from April 1, 1992 to October 1, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before July 15, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary,

[FR Doc. 91-16818 Filed 7-15-91; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51765; FRL 3935-4]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 281 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 91-718, June 23, 1991.

P 91-875, 91-876, 91-877, 91-878, 91-879, 91-880, 91-881, 91-882, 91-883, August 6, 1991.

P 91-884, 91-885, 91-886, August 7, 1991.

P 91-887, 91-888, 91-889, 91-890, 91-891, 91-892, 91-894, August 10, 1991.

P 91-895, 91-896, 91-897, 91-899, August 11, 1991.

P 91-900, August 10, 1991.

P 91-901, August 12, 1991.

P 91-902, 91-903, 91-904, 91-905, 91-906, 91-907, 91-909, 91-910, 91-911, 91-912, 91-914, 91-915, 91-916, 91-917, 91-918, 91-919, August 13, 1991.

P 91-920, 91-921, 91-922, 91-923, 91-924, 91-925, 91-926, 91-927, August 14, 1991.

P 91-928, 91-929, 91-930, 91-931, August 17, 1991.

P 91-932, August 18, 1991.

P 91-933, 91-934, 91-935, 91-936, 91-937, 91-938, 91-939, 91-940, 91-941, 91-942, 91-943, 91-944, 91-945, 91-946, 91-947, 91-948, 91-949, 91-950, August 19, 1991.

P 91-951, 91-952, 91-953, 91-954, 91-955, August 20, 1991.

P 91-956, 91-957, 91-958, 91-959, 91-960, 91-961, 91-962, 91-963, August 21, 1991.

P 91-964, 91-965, 91-966, 91-967, August 25, 1991.

P 91-968, 91-969, 91-970, 91-971, 91-972, 91-973, 91-974, 91-975, 91-976, 91-977, 91-978, 91-979, 91-980, 91-981, 91-982, 91-983, 91-984, 91-985, 91-986, 91-987, 91-988, 91-989, 91-990, 91-991, 91-992, 91-993, 91-994, 91-995, 91-996, August 26, 1991.

P 91-997, 91-998, 91-999, 91-1000, 91-1001, 91-1003, August 27, 1991.

P 91-1007, 91-1008, 91-1009, 91-1010, 91-1011, 91-1012, 91-1013, 91-1014, 91-1015, 91-1016, 91-1017, 91-1018, 91-1019, 91-1020, 91-1021, 91-1022, 91-1023, 91-1024, 91-1025, 91-1026, 91-1027, 91-1028, 91-1029, 91-1030, 91-1031, 91-1032, 91-1033, 91-1034, 91-1035, 91-1036, 91-1037, 91-1038, 91-1039, 91-1040, 91-1041, 91-1042, 91-1043, 91-1044, 91-1045, 91-1046, 91-1047, 91-1048, 91-1049, 91-1050, 91-1051, 91-1052, 91-1053, 91-1054, 91-1055, 91-1056, 91-1057, 91-1058, 91-1059, 91-1060, 91-1061, 91-1062, 91-1063, 91-1064, 91-1065, 91-1066, 91-1067, 91-1068, 91-1069, 91-1070, 91-1071, 91-1072, 91-1073, 91-1074, 91-1075, August 28, 1991.

P 91-1076, 91-1077, 91-1078, 91-1079, August 31, 1991.

P 91-1082, 91-1083, September 1, 1991.

P 91-1084, 91-1085, 91-1086, 91-1087, 91-1088, 91-1089, September 2, 1991.

P 91-1090, September 3, 1991.

P 91-1091, September 4, 1991.

P 91-1092, 91-1093, September 3, 1991.

P 91-1094, 91-1095, 91-1096, 91-1097, 91-1098, 91-1099, September 7, 1991.

P 91-1100, 91-1101, 91-1102, 91-1103, 91-1104, 91-1105, 91-1106, 91-1107, 91-1108, September 8, 1991.

P 91-1109, 91-1110, 91-1111, 91-1112, September 9, 1991.

P 91-1113, 91-1114, 91-1115, 91-1116, 91-1117, 91-1118, September 10, 1991.

P 91-1119, September 11, 1991.

P 91-1120, 91-1121, 91-1122, 91-1123, 91-1124, 91-1125, 91-1126, 91-1127, 91-1128, 91-1129, September 14, 1991.

P 91-1130, 91-1131, 91-1132, 91-1133, 91-1134, 91-1135, 91-1136, 91-1137, 91-1138, 91-1139, 91-1140, 91-1142, 91-1143, 91-1144, 91-1145, 91-1146, 91-1147, 91-1148, 91-1149, 91-1150, 91-1151, 91-1152, 91-1153, September 15, 1991.

P 91-1154, 91-1155, 91-1156, 91-1157, 91-1158, 91-1159, September 18, 1991.

P 91-1160, 91-1161, 91-1162, September 21, 1991.

P 91-1163, 91-1164, 91-1165, September 22, 1991.

Written comments by:

P 91-718, May 24, 1991.

P 91-875, 91-876, 91-877, 91-878, 91-879, 91-880, 91-881, 91-882, 91-883, July 7, 1991.

P 91-884, 91-885, 91-886, July 8, 1991.

P 91-887, 91-888, 91-889, 91-890, 91-891, 91-892, 91-894, July 11, 1991.

P 91-895, 91-896, 91-897, 91-899, July 12, 1991.

P 91-900, July 11, 1991.

P 91-901, July 13, 1991.

P 91-902, 91-903, 91-904, 91-905, 91-906, 91-907, 91-909, 91-910, 91-911, 91-912, 91-914, 91-915, 91-916, 91-917, 91-918, 91-919, July 14, 1991.

P 91-920, 91-921, 91-922, 91-923, 91-924, 91-925, 91-926, 91-927, July 15, 1991.

P 91-928, 91-929, 91-930, 91-931, July 18, 1991.

P 91-932, July 19, 1991.

P 91-933, 91-934, 91-935, 91-936, 91-937, 91-938, 91-939, 91-940, 91-941, 91-942, 91-943, 91-944, 91-945, 91-946, 91-947, 91-948, 91-949, 91-950, July 20, 1991.

P 91-951, 91-952, 91-953, 91-954, 91-955, July 21, 1991.

P 91-956, 91-957, 91-958, 91-959, 91-960, 91-961, 91-962, 91-963, July 22, 1991.

P 91-964, 91-965, 91-966, 91-967, July 26, 1991.

P 91-968, 91-969, 91-970, 91-971, 91-972, 91-973, 91-974, 91-975, 91-976, 91-977, 91-978, 91-979, 91-980, 91-981, 91-982, 91-983, 91-984, 91-985, 91-986, 91-987, 91-988, 91-989, 91-990, 91-991, 91-992, 91-993, 91-994, 91-995, 91-996, July 27, 1991.

P 91-997, 91-998, 91-999, 91-1000, 91-1001, 91-1003, July 28, 1991.

P 91-1007, 91-1008, 91-1009, 91-1010, 91-1011, 91-1012, 91-1013, 91-1014, 91-1015, 91-1016, 91-1017, 91-1018, 91-1019, 91-1020, 91-1021, 91-1022, 91-1023, 91-1024, 91-1025, 91-1026, 91-1027, 91-1028, 91-1029, 91-1030, 91-1031, 91-1032, 91-1033, 91-1034, 91-1035, 91-1036, 91-1037, 91-1038, 91-1039, 91-1040, 91-1041, 91-1042, 91-1043, 91-1044, 91-1045, 91-1046, 91-1047, 91-1048, 91-1049, 91-1050, 91-1051, 91-1052, 91-1053, 91-1054, 91-1055, 91-1056, 91-1057, 91-1058, 91-1059, 91-

1060, 91–1061, 91–1062, 91–1063, 91–1064, 91–1065, 91–1066, 91–1067, 91–1068, 91–1069, 91–1070, 91–1071, 91–1072, 91–1073, 91–1074, 91–1075, July 29, 1991.

P 91–1076, 91–1077, 91–1078, 91–1079, August 1, 1991.

P 91–1082, 91–1083, August 2, 1991.

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P 91–1100, 91–1101, 91–1102, 91–1103, 91–1104, 91–1105, 91–1106, 91–1107, 91–1108, August 9, 1991.

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P 91–1120, 91–1121, 91–1122, 91–1123, 91–1124, 91–1125, 91–1126, 91–1127, 91–1128, 91–1129, August 15, 1991.

P 91–1130, 91–1131, 91–1132, 91–1133, 91–1134, 91–1135, 91–1136, 91–1137, 91–1138, 91–1139, 91–1140, 91–1142, 91–1143, 91–1144, 91–1145, 91–1146, 91–1147, 91–1148, 91–1149, 91–1150, 91–1151, 91–1152, 91–1153, August 16, 1991.

P 91–1154, 91–1155, 91–1156, 91–1157, 91–1158, 91–1159, August 19, 1991.

P 91–1160, 91–1161, 91–1162, August 22, 1991.

P 91–1163, 91–1164, 91–1165, August 23, 1991.

ADDRESSES: Written comments, identified by the document control number "(OPTS–51765)" and the specific PMN number should be sent to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., rm L–100, Washington, DC, 20460 (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm EB–44, 401 M St., SW., Washington, DC 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 91–718

Manufacturer. Confidential.

Chemical. (G) Carbomonocyclic ether.

Use/Production. (G) Component of epoxy resin for adhesives. Prod. range: Confidential.

P 91–875

Manufacturer. Stockhausen Inc.

Chemical. (G) Ammonium salt of a grafted and crosslinked acrylic acid terpolymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91–876

Manufacturer. Confidential.

Chemical. (G) Thermosetting acrylic resin-amine salted.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91–877

Manufacturer. Confidential.

Chemical. (G) Thermosetting acrylic resin-amine salted.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91–878

Manufacturer. Confidential.

Chemical. (G) Olefinic hydrocarbon.

Use/Production. (S) Polymeric coating. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–879

Manufacturer. Confidential.

Chemical. (G) Olefinic hydroocarbon.

Use/Production. (S) Polymeric coating. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–880

Manufacturer. Confidential.

Chemical. (G) Olefinic hydrocarbon.

Use/Production. (S) Polymeric coating. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–881

Manufacturer. Confidential.

Chemical. (G) Olefinic hydrocarbon.

Use/Production. (S) Polymeric coating. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–882

Manufacturer. Confidential.

Chemical. (G) Olefinic hydrocarbon.

Use/Production. (S) Polymeric coating. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 91–883

Manufacturer. Confidential.

Chemical. (G) Complex polyolefin amino ester salt.

Use/Production. (G) Destructive use. Prod. range: Confidential.

P 91–884

Manufacturer. LanChm.

Chemical. (G) Polyester resin solution.

Use/Production. (S) Resin used in manufacture coating. Prod. range: Confidential.

P 91–885

Importer. Henkel Corporation.

Chemical. (G) Acrylic polyer, amine salt.

Use/Import. (G) Coating and ink additive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91–886

Manufacturer. Confidential.

Chemical. (G) Styrenated methacrylate polymer.

Use/Production. (G) Component of dispersively used coating. Prod. range: 1,000–50,000 kg/yr.

P 91–887

Manufacturer. Confidential.

Chemical. (G) Blocked aromatic/aliphatic polyisocyanate.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91–888

Importer. Confidential.

Chemical. (G) Urethane methacrylate.

Use/Import. (G) Dispersive use. Import range: 96,000–200,000 kg/yr.

P 91–889

Importer. Confidential.

Chemical. (G) Diphenate.

Use/Import. (G) Dispersive use. Import range: 20,000–40,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 559 mg/kg. Static acute toxicity: time LC50 48H2.38 mg/l species (Killi fish). Skin irritation: slight species (Rabbit). Mutagenicity: positive.

P 91–890

Manufacturer. Confidential.

Chemical. (G) Phenylazo-*N*-phenylazophenylbenzamide, alkyl derivative.

Use/Production. (G) Colorant for stains and inks. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation:

moderate species (Rabbit). Mutagenicity: negative.

P 91-891

Importer. Confidential.

Chemical. (G) Polymer modified polyisocyanate, reaction product with a diamine.

Use/Import. (G) Additive, open, nondispersive use. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-892

Importer. Confidential.

Chemical. (G) Polysiloxane polyoxyalkylene ether.

Use/Import. (G) Additive, open, nondispersive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 4750 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-894

Importer. Confidential.

Chemical. (G) Acrylated polyester urethane.

Use/Import. (G) Polymer component for coatings. Import range: Confidential.

P 91-895

Manufacturer. Kenrich Petrochemicals,inc.

Chemical. (G) Zirconium IV (di neoalkanolate, di) parp amino benzoato-O.

Use/Production. (S) Particulate adhesive/dispersion enchancer. Prod. range: Confidential.

Toxicity Data. Mutagenicity: positive.

P 91-896

Importer. NOF America Corporation.

Chemical. (G) Alkyl acrylate.

Use/Import. (G) Open, nondispersive. Import range: Confidential.

P 91-897

Manufacturer. Confidential.

Chemical. (G) Polyethylene glycol diester of a saturated fatty acid.

Use/Production. (G) Lubricant in metal forming fluids for aluminum cans. Prod. range: Confidential.

P 91-899

Manufacturer. Confidential.

Chemical. (S) Alkylaryl substituted heterocycle.

Use/Production. (S) Plastics additive. Prod. range: Confidential.

P 91-900

Manufacturer. King Indusrtries, Inc.

Chemical. (G) Alkylnaphthalene sulfonic acid, isohexane diamin salt.

Use/Production. (S) Corrosion inhibitor for lubricants. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 25 ml/kg species (Rat). Acute dermal toxicity: LD50 > 20 g/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-901

Manufacturer. Confidential.

Chemical. (G) Styrene acrylic polymer.

Use/Production. (S) Polymeric component of coatings. Prod. range: Confidential.

P 91-902

Manufacturer. Confidential.

Chemical. (G) Acid brown 160.

Use/Production. (S) Acid dyestuff for the coloration of leather goods. Prod. range: Confidential.

P 91-903

Manufacturer. Confidential.

Chemical. (G) Naphthalene sulfonic disazo dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-904

Manufacturer. Confidential.

Chemical. (G) Tetra kisazo naphthalene sulfonic azo acid dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-905

Manufacturer. Confidential.

Chemical. (G) Tetra kisazo naphthalene sulfonic azo acid dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-906

Manufacturer. Confidential.

Chemical. (G) VS naphthalene tetra kisazo dyestuff.

Use/Production. (S) Reactive dyestuff for coloration cotton textile. Prod. range: Confidential.

P 91-907

Manufacturer. Confidential.

Chemical. (G) Sulfoazo naphthalene mono chloro triazin disazo dyestuff.

Use/Production. (S) Reactive dyestuff. Prod. range: Confidential.

P 91-909

Manufacturer. Confidential.

Chemical. (G) Sulfonated naphthalene mono chloro triazin disazo dyestuff.

Use/Production. (S) Reactive dyestuff. Prod. range: Confidential.

P 91-910

Manufacturer. Confidential.

Chemical. (G) Pyrazolic disazo mono chloro triazin dyestuff.

Use/Production. (S) Reactive dyestuff. Prod. range: Confidential.

P 91-911

Manufacturer. Confidential.

Chemical. (G) Sulfonated naphthalene mono chloro triazin disazindyestuff.

Use/Production. (S) Reactive dyestuff. Prod. range: Confidential.

P 91-912

Manufacturer. Confidential.

Chemical. (G) Metalized naphthalene sulfonic tetra kisazo dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-914

Manufacturer. Confidential.

Chemical. (G) Matalized naphthalene disazo dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-915

Manufacturer. Confidential.

Chemical. (G) Tetra kisazo naphthalene azo acid dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-916

Manufacturer. Confidential.

Chemical. (G) Tetra kisazo naphthalene azo dyestuff.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-917

Manufacturer. Confidential.

Chemical. (G) Epoxidized polyaromatic resin.

Use/Production. (S) Acid dyestuff. Prod. range: Confidential.

P 91-918

Importer. Unichema North America.

Chemical. (G) Isononanoic acid, mixed esters with pentaerythritol and pentanoic acid.

Use/Import. (S) Dispersive and open, nondispersive use. Import range: Confidential.

Toxicity Data. Eye irritation: slight species (Rabbit).

P 91-919

Importer. Rohm Tech, Inc.

Chemical. (G) Styrene acrylic copolymer.

Use/Import. (S) Compoment for water based acrylic coatings. Import range: Confidential.

P 91-920

Manufacturer. The Dow Chemical Company.

Chemical. (G) Partially neutralized lightly crosslinked poly-2-propenoic acid.

Use/Production. (S) Absorbent polymer in disposable diaper. Prod. range: Confidential.

P 91-921

Importer. Confidential.

Chemical. (G) Urethane modified alkyd resin.

Use/Import. (S) Chemical auxilary binder for printing inks. Import range: Confidential.

P 91-922

Importer. Confidential.

Chemical. (G) Maleic imide modified rosin phenolic resin.

Use/Import. (S) Binder for printing ink. Import range: Confidential.

P 91-923

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyurea dispersion.

Use/Production. (G) Dispersively applied coating. Prod. range: 520–1,560 kg/yr.

P 91-924

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyurea dispersion.

Use/Production. (G) Dispersively applied coating. Prod. range: 520–1,560 kg/yr.

P 91-925

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyurea dispersion.

Use/Production. (G) Dispersively applied coating. Prod. range: 520–1,560 kg/yr.

P 91-926

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyurea dispersion.

Use/Production. (G) Dispersively applied coating. Prod. range: 520–1,560 kg/yr.

P 91-927

Manufacturer. Milliken & Company.

Chemical. (G) Substituted polyoxyalkyl aromatic amine tint.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-928

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) Ingredients for coatingsts. Prod. range: 1,000–3,000 kg/yr.

P 91-929

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) Ingredients for coatingsts. Prod. range: 1,000–3,000 kg/yr.

P 91-930

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) Ingredients for coatingsts. Prod. range: 1,000–3,000 kg/yr.

P 91-931

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) Ingredients for coatingsts. Prod. range: 1,000–3,000 kg/yr.

P 91-932

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylate methacrylate polymer.

Use/Production. (G) Ingredient in a dispersively applied coating formulation. Prod. range: 200,000–400,000 kg/yr.

P 91-933

Manufacturer. Reichhold Chemicals.

Chemical. (G) Amine reacted polymer of an alipatic with a polycaprolacetone diol.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-934

Manufacturer. Ciba-Geigy Corporation.

Chemical. (G) 2,2'-(1-methylethylidene)bis(4.1-phenyleneoxy(1-butoxymethyl-2,1-ethanedyl)-oxymethylene)bisoxirane, reaction products with a diamine.

Use/Production. (S) Harden for epoxy protective coatings. Prod. range: Confidential.

P 91-935

Manufacturer. Confidential.

Chemical. (G) Glycol borate.

Use/Production. (G) Corrosion inhibitor. Prod. range: Confidential.

P 91-936

Manufacturer. Confidential.

Chemical. (G) Epoxy modified polyester polymer.

Use/Production. (G) Component of dispersively applied adhesive. Prod. range: 45,144–60,000 kg/yr.

P 91-937

Manufacturer. The P.D. George Company.

Chemical. (G) Vinyl ester.

Use/Production. (S) Coating for architectural. Prod. range: 43,250 kg/yr.

P 91-938

Importer. Confidential.

Chemical. (G) Polyurethane/aryl polv glycol ether.

Use/Import. (G) Open, nondispersive. Import range: Confidential.

P 91-939

Manufacturer. The Dow Chemical Company.

Chemical. (G) Substituted benzene.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 500–2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 250 mg/kg species (Rabbit).

P 91-940

Manufacturer. The Dow Chemical Company.

Chemical. (G) Substituted benzene.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 500–2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 250 mg/kg species (Rabbit).

P 91-941

Manufacturer. The Doe Chemical Company.

Chemical. (G) Substituted benzene.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 500–2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 250 mg/kg species (Rabbit).

P 91-942

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polybenzoxazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-943

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polybenzoxazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-944

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polybenzoazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-945

Manufacturer. midland Chemical Company.

Chemical. (G) Polybenzoxazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-946

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polybenzoxazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-947

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polybenzoxazole.

Use/Production. (G) Textile and reinforced plastic. Prod. range: Confidential.

P 91-948

Manufacturer. Confidential.

Chemical. (G) Complex phenyl aliphatic ester sulfonic acid.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 91-949

Manufacturer. Confidential.

Chemical. (G) Aryl sulfonate esters salts.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-950

Manufacturer. Confidential.

Chemical. (G) Aryl sulfonate esters salts.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-951

Manufacturer. Confidential.

Chemical. (G) Polystyrene copolymer.

Use/Production. (G) Integrated circuit manufacture. Prod. range: Confidential.

P 91-952

Manufacturer. Confidential.

Chemical. (G) Vinyl chloride polymer with saturated and unsaturated esters of carboxylic acids and substituted alkene amide.

Use/Production. (G) Binder and coating fibers and textile. Prod. range: Confidential.

P 91-953

Importer. Confidential.

Chemical. (G) Substituted-substituted-substituted-benzene polymer hdyrolyzed.

Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 91-954

Manufacturer. Sadolin paint Products, Inc.

Chemical. (G) Modified castor oil-safflower oil polyol alkyd resin.

P 91-955

Manufacturer. Sadolin Pant Products, Inc.

Chemical. (G) Castor oil-tall polyol alkyd resin.

Use/Production. (S) Polymeric resin for paints. Prod. range: Confidential.

P 91-956

Manufacturer. Confidential.

Chemical. (G) Sulfonated naphthalene mono chloro triazin disazo dyestuff.

Use/Production. (S) Reactive dyestuff. Prod. range: Confidential.

P 91-957

Manufacturer. Confidential.

Chemical. (G) Substituted phenylazo alkylphenol.

Use/Production. (G) Petroleum additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 5092 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Mutagenicity: negative.

P 91-958

Manufacturer. Confidential.

Chemical. (G) Amidocarboxy benzoic acid; amidocarboxy benzoic acid salts.

Use/Production. (G) Surfactant for skin care. Prod. range: Confidential.

P 91-959

Manufacturer. Confidential.

Chemical. (G) Amide.

Use/Production. (G) Surfactant for skin care. Prod. range: Confidential.

P 91-960

Manufacturer. Confidential.

Chemical. (G) Amide.

Use/Production. (G) Surfactant for skin care. Prod. range: Confidential.

P 91-961

Manufacturer. Confidential.

Chemical. (G) Amide.

Use/Production. (G) Surfactant for skin care. Prod. range: Confidential.

P 91-962

Manufacturer. Confidential.

Chemical. (G) Amine.

Use/Production. (G) Surfactant for skin care. Prod. range: Confidential.

P 91-963

Manufacturer. Confidential.

Chemical. (G) Reaction product of adiphatic diisocyanate, polycaprolactone polyol, and alkyl hydroxy acrylate.

Use/Production. (G) Oligomer for use in UV curable coatings. Prod. range: Confidential.

P 91-964

Importer. Confidential.

Chemical. (G) Acrylate modified epoxy ester for ester polymer.

Use/Import. (G) Coating. Import range: Confidential.

P 91-965

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Organopolysiloxane.

Use/Import. (S) Intermediate for prints. Import range: 2,000–4,000 kg/yr.

P 91-966

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Organo silicone copolymer.

Use/Import. (S) Primer. Import range: 700–1,600 kg/yr.

P 91-967

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Modified organosilane.

Use/Import. (S) Adhesive promoter. Import range: 100–300 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: positive species (Guinea pig).

P 91-968

Manufacturer. Confidential.

Chemical. (G) Silylated polyazamide.

Use/Production. (S) Component in industrial coating formulations. Prod. range: Confidential.

P 91-969

Importer. Confidential.

Chemical. (G) Aryl substituted copper phthalocyanie.

Use/Import. (G) Infra-red absorber. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-970

Importer. Confidential.

Chemical. (G) Polyester.

Use/Import. (G) Paint. Import range: Confidential.

P 91-971

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Epoxy ester of C18 fatty acids.

Use/Production. (S) Binder in industrial coating. Prod. range: Confidential.

P 91-972

Importer. Huls America Inc.

Chemical. (G) Polyester resin of aryldicarboxylic acids, alkane diols and dimeric fatty acids.

Use/Import. (S) Resin for print used for the inside of food cans. Import range: Confidential.

P 91-973

Manufacturer. Confidential.

Chemical. (G) Polyoxyethylene, polyoxypropylene sorbitan linoleic phthalic ester.

Use/Production. (G) Emulsifier. Prod. range: Confidential.

P 91-974

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-975

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-976

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-977

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-978

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-979

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: Confidential.

P 91-980

Importer. Confidential.

Chemical. (G) Polyester.

Use/Import. (G) Paint. Import range: Confidential.

P 91-981

Importer. Confidential.

Chemical. (G) Epoxy ester polyamide.

Use/Import. (G) Paint. Import range: Confidential.

P 91-982

Importer. Confidential.

Chemical. (G) Alkyd.

Use/Import. (G) Paint. Import range: Confidential.

P 91-983

Importer. Confidential.

Chemical. (G) Polyurethane.

Use/Import. (G) Paint. Import range: Confidential.

P 91-984

Importer. Confidential.

Chemical. (G) Polyaminoamide modified alkyd.

Use/Import. (G) Paint. Import range: Confidential.

P 91-985

Importer. Confidential.

Chemical. (G) Caprolactone modified acrylic copolymer.

Use/Import. (G) Paint. Import range: Confidential.

P 91-986

Importer. Confidential.

Chemical. (G) Caprolactone modified acrylic copolymer.

Use/Import. (G) Paint. Import range: Confidential.

P 91-987

Manufacturer. Henkel corporation.

Chemical. (S) Fatty acids, C_{5-12}-esters with pentaerythritrol and dipentaerythritol.

Use/Production. (S) Lubricant basestock for turbine aircraft. Prod. range: 5,000–80,000 kg/yr.

P 91-988

Manufacturer. Henkel Corporation.

Chemical. (S) Trimethylolpropane, triester with N & I-pentanoic acids.

Use/Production. (S) Lubricant basestock for industrial application. Prod. range: 5,000–8,000 kg/yr.

P 91-989

Manufacturer. Ashland Chemical, Inc.

Chemical. (G) Unsaturated polyester.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-990

Manufacturer. Ashland Chemical, Inc.

Chemical. (G) Unsaturated polyester.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-991

Manufacturer. Ashland Chemical, Inc.

Chemical. (G) Copolymer of acrylic acid, acrylamide, styrene and acrylic esters.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-992

Manufacturer. Henkel Corporation.

Chemical. (S) Trimethylolpropane, esters with C_{5-9} fatty acid and isononanoic acid.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-993

Manufacturer. Henkel Corporation.

Chemical. (S) Trimethylolpropane, esters with C_{5-9} fatty acid and isononanoic acid.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 91-994

Importer. Confidential.

Chemical. (G) Diisocyanate trimer, reaction product with polyether polyol.

Use/Import. (G) Polyurethane reactant. Import range: 10,000–30,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 4,825 mg/kg species (Rabbit). Acute dermal toxicity: LD50 > 7,000 mg/kg species (Rabbit). Inhalation toxicity: LC50 670 mg/M3 species (Rat). Eye irritation: none species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-995

Manufacturer. Confidential.

Chemical. (S) *N*-Dodecyl-2-methylimidazole.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-996

Manufacturer. Confidential.

Chemical. (G) Poly oxy propyl bis cyclohexyl-amine functional polymer.

Use/Production. (G) Epoxy hardener. Prod. range: Confidential.

P 91-997

Manufacturer. Amrican Cyanamid Company.

Chemical. (G) Polyurethane resin.
Use/Production. (G) Polyurethane coating resin. Prod. range: Confidential.
Toxicity Data. Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-998

Manufacturer. American Cyanamid Company.
Chemical. (G) Polyurethane resin.
Use/Production. (G) Polyurethane coating resin. Prod. range: Confidential.
Toxicity Data. Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-999

Manufacturer. American Cyanamid Company.
Chemical. (G) Polyurethane resin.
Use/Production. (G) Polyurethane coating resin. Prod. range: Confidential.
Toxicity Data. Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-1000

Manufacturer. Donlar Corporation.
Chemical. (S) Homo polymer of L-aspartic acid.
Use/Production. (S) Inhibitor/ dispersant in water treatment. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat).

P 91-1001

Manufacturer. Confidential.
Chemical. (G) Aqueous aliphatic polyurthane dispersion.
Use/Production. (S) Coating resin. Prod. range: Confidential.

P 91-1003

Manufacturer. Confidential.
Chemical. (G) Aqueous polyurethane dispersion.
Use/Production. (S) Protective coating/laminating adhesive. Prod. range: Confidential.

P 91-1007

Importer. Confidential.
Chemical. (G) Alkyd.
Use/Import. (S) Flavoring agent in food and beverages. Import range: Confidential.

P 91-1008

Importer. Confidential.
Chemical. (G) Alkyld.
Use/Import. (S) Flavoring agent in food and beverages. Import range: Confidential.

P 91-1009

Manufacturer. Confidential.
Chemical. (G) Substituted alkyd alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1010

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1011

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1012

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1013

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1014

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1015

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl alcohol.
Use/Production. (G) Component of consumer products. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 3.63 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: slight species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1016

Manufacturer. Confidential.
Chemical. (G) Mixed tall oil fatty acids/ polyamine condensate.
Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.
Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1017

Manufacturer. Confidential.
Chemical. (G) Mixed tall oil fatty acids/polyamine condensate.
Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.
Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1018

Manufacturer. Confidential.
Chemical. (G) Amine.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1019

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polymer condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1020

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1021

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1022

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate,.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1023

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1024

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1025

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1026

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1027

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1028

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1029

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1030

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1031

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1032

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1033

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1034

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1035

Manufacturer. Confidential.

Chemical. (G) Mixed tallow acids/ polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong

species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1036

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1037

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1038

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1039

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1040

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate,.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1041

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate,.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1042

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate,.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1043

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1044

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1045

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate.

Use/Production. (G) Production intermediate-flotation collector. Prod. range: Confidential.

Toxicity Data. Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Skin sensitization: positive species (Guinea pig).

P 91-1046

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1047

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1048

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1049

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1050

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod range: Confidential.

P 91-1051

Manufacturer. Confidential.

Chemical. (G) Mixed tall oil fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1052

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1053

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1054

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1055

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1056

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1057

Manufacturer. Confidential.

Chemical. (G) Mixed soya fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential

P 91-1058

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1059

Manufacturer. Confidential.

Chemical. (S) Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1060

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1061

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1062

Manufacturer. Confidential.

Chemical. (G) Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1063

Manufacturer. Confidential.

Chemical. (G) Mixed Tallow/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1064

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1065

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1066

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1067

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1068

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1069

Manufacturer. Confidential.

Chemical. (G) Mixed tallow fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1070

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1071

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1072

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1073

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate. acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1074

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1075

Manufacturer. Confidential.

Chemical. (G) Mixed vegetable fatty acids/polyamine condensate, acetate salt.

Use/Production. (G) Flotation collector for mineral separates. Prod. range: Confidential.

P 91-1076

Manufacturer. Anatrace,Inc.

Chemical. (G) Polyalkylsulfone-16.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

Toxicity Data. Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-1077

Importer. Confidential.

Chemical. (G) Acrylates of aliphatic polyol.

Use/Import. (G) Coating. Import range: Confidential.

P 91-1078

Importer. Hoechst Celanese Corporation.

Chemical. (G) Aqueous aliphatic polyurethane resin dispersion.

Use/Import. (S) Binder for paints. Import range: 10,00 kg/yr.

P 91-1079

Manufacturer. Confidential.

Chemical. (G) Substituted phenylazo alkyl phenol.

Use/Production. (G) Petroleum additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2498 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: moderate species (Rabbit).

P 91-1082

Manufacturer. Confidential.

Chemical. (G) Amine-terminated polyurethane.

Use/Production. (G) Component of a formulated adhesive. Prod. range: Confidential.

P 91-1083

Manufacturer. Confidential.

Chemical. (G) Aluminum isopropoxide, reaction products with alcohol and ester.

Use/Production. (S) Gelling agent for oleoresinous ink vehicles. Prod. range: Confidential.

P 91-1084

Importer. Unichema North America.

Chemical. (S) Fatty acids, C_{18}-unsaid. dimers, mixed esters with octanoic acid, decanoic acid and trimethylolpropane.

Use/Import. (G) Dispersive and nondispersive. Import range: Confidential.

P 91-1085

Manufacturer. Confidential.

Chemical. (G) Water reducible polyester polymer.

Use/Production. (S) Industrial baking finishes. Prod. range: Confidential.

P 91-1086

Manufacturer. Confidential.

Chemical. (G) Polymer of disodium maleate, alkyl ether. and ethylene oxide.

Use/Production. (G) Water treatment/paint additive/textile processing aid. Prod. range: Confidential.

Toxicity Data. Static acute toxicity: time LC50 96H> 1,000 mg/l species (Killi fish). Mutagenicity: negative.

P 91-1087

Importer. Confidential.

Chemical. (G) Polyurethane resin.

Use/Import. (S) Printing inks. Import range: Confidential.

P 91-1088

Manufacturer. Confidential.

Chemical. (G) Polyol ester.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1089

Manufacturer. Confidential.

Chemical. (G) Polyolester.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1090

Manufacturer. Confidential.

Chemical. (G) Polyolester.

Use/Production. (G) Open nondispersive. Prod. range: Confidential.

P 91-1091

Manufacturer. Confidential.

Chemical. (G) Amine dithiocarbamate.

Use/Production. (G) Polymer for military/commerical aerospace application. Prod. range: Confidential.

P 91-1092

Manufacturer. International Lubricants Inc.

Chemical. (G) Sulfurized liquid wax esters.

Use/Production. (G) Antiwear addition in all lubricant. Prod. range: Confidential.

P 91-1093

Manufacturer. International Lubricants Inc.

Chemical. (S) Reaction product of unsaturated fatty esters (C_{14-18}, C_{16-22} fatty acids and 2-octyl-1-dodecanyl) with di-butyl hydrogen phosphite.

Use/Production. (S) Lubricant additive. Prod. range: Confidential.

P 91-1094

Manufacturer. E.I. Du Pont De Nemours and Company, Inc

Chemical. (S) Halogenated substituted ethylene copolymer.

Use/Production. (G) Electronics, coatings, potics. Prod. range: Confidential.

P 91-1095

Importer. Confidential.

Chemical. (G) Metal complex.

Use/Import. (S) Construction and highway sealants. Import range: 11,364–13,636 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (Rat). Acute dermal toxicity: LD50. Eye irritation: moderate species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-1096

Manufacturer. Rheox, Inc.

Chemical. (G) Aliphatic amine-terminated polyamide resin.

Use/Production. (S) Curing agent. Prod. range: Confidential.

P 91-1097

Manufacturer. Rheox, Inc.

Chemical. (G) Aliphatic amine-terminated polyamide resin.

Use/Production. (S) Curing agent. Prod. range: Confidential.

P 91-1098

Importer. Basf Corporation.

Chemical. (G) Acrylate/acrylamine derivative copolymer.

Use/Import. (S) Polymer dispersive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit).

P 91-1099

Importer. Basf Corporation.

Chemical. (G) Acrylate/acrylamido derivative copolymer.

Use/Import. (S) Polymer dispersive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit).

P 91-1100

Importer. Ausimont U.S.A., Inc.

Chemical. (S) 1,1,2,3,3,-Hexofluoro-1-propane, oxidizd. polymerized. modified.

Use/Import. (S) Fiber lubricant coating. Import range: Confidential.

P 91-1101

Importer. Confidential.

Chemical. (G) Glycol borate.

Use/Import. (G) Corrosion inhibitor. Import range: Confidential.

P 91-1102

Manufacturer. Confidential.

Chemical. (G) Glycol borate.

Use/Import. (G) Corrosion inhibitor. Import range: Confidential.

P 91-1103

Importer. Ciba-Geigy Corporation.

Chemical. (S) Ethanamine, 2-((2-chlorothyl)sulfonyl)ethoxy)-,hydrochloride.

Use/Import. (S) Site-limited intermediate. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2755 mg/kg species (Rat). Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit). Mutagenicity: negative.

P 91-1104

Manufacturer. Ciba-Geigy Corporation.

Chemical. (G) Substituted azo naphthalenedisulfonic acid.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Mutagenicity: negative. Static acute toxicity: time LC50 96H > 1,000 ppm species (Zebra fish). Skin irritation: negligible species (Rabbit).

P 91-1105

Manufacturer. Ciba-Geigy Corporation.

Chemical. (G) Substituted azo naphthalenedisulfonic acid.

Use/Production. (S) Site-limited dye intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

91-1106

Manufacturer. Confidential.

Chemical. (G) Styrene-acrylate copolymer.

Use/Production. (S) Component in water of coating. Prod. range: Confidential.

Toxicity Data. Skin irritation: negligible species (Rabbit).

P 91-1107

Manufacturer. Confidential.

Chemical. (G) Parafoam parox polymer.

Use/Production. (G) Polymer for military/commerical aerospace applications. Prod. range: Confidential.

P 91-1108

Manufacturer. Confidential.

Chemical. (S) Oligomeric thiodiethylen-bis-(5-dimethoxyl-1,4-dihydroyridien-3-carboxyllate), including oilgomers containing some pyridine moieties from the partial oxidation of dihydropyridine moieties.

Use/Production. (S) Costabilizer for VC and other polymer. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Mutagenicity: negative. Skin irritation: negligible species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 91-1109

Importer. Stoclhausen, Inc.

Chemical. (G) Polymer.

Use/Import. (S) Auxiliary for leather. Import range: 200,000–500,000 kg/yr.

P 91-1110

Importer. Confidential.

Chemical. (G) Alkyl alicycle alcohol.

Use/Import. (G) Dispersive use. Import range: 1,000–5,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (Rabbit). Eye irritation: moderate species (Rabbit). Skin irritation: negligible species (Rabbit). Skin sensitization: negative species (Guinea pig). Photoallergenicity: negative species ( ).

P 91-1111

Manufacturer. Confidential.

Chemical. (G) Diester.

Use/Production. (G) Component of coating. Prod. range: 10,000–100,000 kg/yr.

P 91-1112

Manufacturer. Uhtech Color.

Chemical. (G) Basic dye toner SM.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1113

Manufacturer. Confidential.

Chemical. (G) Alkenoic.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

P 91-1114

Importer. Confidential.

Chemical. (S) Cyanopropionaldehyde dimethyl acetal.

Use/Import. (G) Feedstock to make in amine intermediate. Import range: Confidential.

P 91-1115

Manufacturer. Confidential.

Chemical. (S) 4-Aminobutyraldehyde dimethyl acetal.

Use/Production. (S) Feedstock for industrial coating. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 1.8 g/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (Rabbit). Skin irritation: strong species (Rabbit). Mutagenicity: negative. Skin sensitization: positive species (Guinea pig).

P 91-1116

Importer. Hoechst Celanese Corporation.

Chemical. (G) Substituted benzophenone glyceride.

Use/Import. (S) UV absorber for automotive fiber. Import range: 1,000–10,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-1117

Importer. Hoechst Celanese Corporation.

Chemical. (G) Substituted benzophenone glyceride.

Use/Import. (S) UV absorber for automotive fiber. Import range: 1,000–10,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-1118

Importer. Hoechst Celanese Corporation.

Chemical. (G) Substituted benzophenone monoglyceride.

Use/Import. (S) UV absorber for automotive fibers. Import range: 2,500–22,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 91-1119

Manufacturer. Confidential.

Chemical. (G) Acrylic resin solution.

Use/Production. (S) Metal coating. Prod. range: Confidential.

P 91-1120

Manufacturer. Ciba-Geigy.

Chemical. (G) Methylene bis(4-cyclohexylisocyanate), polymer with polyetherpolyols.

Use/Production. (G) Isocyanate resin for coatings, adhesive sealants. Prod. range: Confidential.

P 91-1121

Importer. Confidential.

Chemical. (G) Polyoxyalkylene polyester urethane block polymer.

Use/Import. (G) Additive, open, nondispersive use. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 91-1122

Manufacturer. Confidential.

Chemical. (G) ((Dialkylcarbomonocyclic)amino)xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.

Use/Production. (S) Paper dyestuff. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1123

Manufacturer. Confidential.

Chemical. (G) ((Dialkylcarbomonocyclic)amino)xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.

Use/Production. (S) Paper dyestuff. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1124

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1125

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1126

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1127

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1128

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1129

Manufacturer. Confidential.
Chemical. (G) ((Dialkylcarbomonocyclic)amino) xanthylium salt, methylhetero-monocycle, phenylheteromonocylic formalpolymer, acid salt.
Use/Production. (S) Paper dyestuff. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1130

Importer. Reichhold Chemicals, Inc.
Chemical. (G) Polyester polyurethane.
Use/Import. (G) Polyurethane for coating and adhesive. Import range: Confidential.

P 91-1131

Manufacturer. Poly Organix, Inc.
Chemical. (S) A substituted thiourea.
Use/Production. (S) Epoxy adhesive. Prod. range: Confidential.

P 91-1132

Manufacturer. Confidential.
Chemical. (G) Styrene acrylic polyelectrolyte amine salt.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1133

Manufacturer. Confidential.
Chemical. (G) Styrene acrylic polyelectrolyte amine salt.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1134

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1135

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1136

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1137

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1138

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1139

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1140

Manufacturer. Confidential.
Chemical. (G) Styrene.
Use/Production. (G) Coatings and inks. Prod. range: Confidential.

P 91-1142

Manufacturer. E.I. Du Pont De Nemours & Co., inc.
Chemical. (G) Polyester urethane amine salt.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1143

Manufacturer. E.I. Du Pont De Nemours & Co., Inc.
Chemical. (G) Acrylic copolymer.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1144

Manufacturer. Confidential.
Chemical. (G) Phenolic resin.
Use/Production. (G) Component in the thermostting coatings formulation. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 0.5 g/kg species (Rat).

P 91-1145

Importer. Reichhold Chemicals, Inc.
Chemical. (G) Polyester polyurethane.
Use/Import. (G) Polyurethane for coatings. Import range: Confidential.

P 91-1146

Manufacturer. Confidential.
Chemical. (G) Basic dye toner SM.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1147

Importer. Ciba-Geigy Corporation.
Chemical. (G) Pyrrolopyrrol.
Use/Import. (G) Open, nondispersive. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin

irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1148

Importer. Hoechst Celanese Corporsation.

Chemical. (G) Naphthoquinone diazide sensitizer.

Use/Import. (S) Photosensitizer for photoresist. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Static acute toxicity: time LC50 H71-100 mg/l species (Zebra fish). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 91-1149

Importer. Hoechst Celanese Corporation.

Chemical. (G) Cresol novolak resin.

Use/Import. (S) Ingredient in photoresist formulation. Import range: Confidential.

P 91-1150

Manufacturer. E.I. Du Pont De Nemours & Company.

Chemical. (G) Poly(Hydroxyalkanoate).

Use/Production. (G) Binder in contained use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 648 mg/kg species (Rat).

P 91-1151

Manufacturer. E.I. Du Pont De Nemours & Company.

Chemical. (G) Poly(hydroxyalkanoate).

Use/Production. (G) Binder in contained use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 648 mg/kg species (Rat).

P 91-1152

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Organopolysiloxane.

Use/Production. (S) Ingredient for silicone coating agent. Prod. range: 5,000–15,000 kg/yr.

P 91-1153

Importer. Shin-Etsu Silicones of America, Inc.

Chemical. (G) Organopolysiloxane.

Use/Production. (S) Ingredient for silicone coating agent. Prod. range: 5,000–15,000 kg/yr.

P 91-1154

Manufacturer. Genencor International, Inc.

Chemical. (G) An asporogenic *Bacillus substilis* strain that was modified contain an antibiotic resistance gene from *Staphylococcus aureus* and a lipase enzyme gene from a microorganism of a genus that is different from that of the host. These genes were introduced into the host using rDNA genetic engineering techniques.

Use/Production. (G) The microorganism will be used for the biosynthesis of the enzyme lipase. Prod. range: Confidential.

Toxicity Data. Acute pulmonary pathogenicity studies using the production strain and an intermediate host strain are in progress in rats. Under post-manufacture conditions, the production strain did not survive better than an intermediate host microorganism in soil and water.

Exposure: Workers in the laboratory and production areas who maintain and process cultures of the microorganism.

Environmental release/Disposal: Production and processing: Live cells used in the manufacturing process are contained in sealed fermentation vessel systems. The production strain is separated from the enzyme product and inactivated. Disposal of cell waste: Confidential.

P 91-1155

Manufacturer. Stepan Company.

Chemical. (G) Fatty acid ester.

Use/Production. (G) Lubricant and lubricant intermediate. Prod. range: Confidential.

P 91-1156

Manufacturer. Stepan Conpany.

Chemical. (G) Fatty acid ester.

Use/Production. (G) Lubricant and lubricant intermediate. Prod. range: Confidential.

P 91-1157

Manufacturer. Stepan Company.

Chemical. (G) Fatty acid ester.

Use/Production. (G) Lubricant and lubricant intermediate. Prod. range: Confidential.

P 91-1158

Manufacturer. Stepan Company.

Chemical. (G) Fatty acid esters.

Use/Production. (G) Lubricant and lubricant intermediate. Prod. range: Confidential.

P 91-1159

Manufacturer. Confidential.

Chemical. (G) Polyether sulfonamide.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 91-1160

Manufacturer. Olin Corporation.

Chemical. (G) Amine mono and di-dodecyl phenoxy benzene sulfonate.

Use/Production. (G) Surfactant for use in art paints/inks. Prod. range: Confidential.

P 91-1161

Manufacturer. Stockhausen, Inc.

Chemical. (G) Fatty alkyl sulfosuccinate.

Use/Production. (G) Leather softener. Prod. range: Confidential.

P 91-1162

Importer. Loza, Inc.

Chemical. (G) 3-Amino-5-methylpyrazole.

Use/Import. (G) Chemical intermediate. Import range: Confidential.

P 91-1163

Manufacturer. Huls America Inc.

Chemical. (G) Alkylalkoxysiloxane.

Use/Production. (G) Weatherproofing agent. Prod. range: Confidential.

P 91-1164

Manufacturer. Confidential.

Chemical. (G) Hindered amine carboxylate.

Use/Production. (G) Polyurethane monomer. Prod. range: Confidential.

P 91-1165

Importer. Reichhold Chemicals, Inc.

Chemical. (G) Polyether polyurethane.

Use/Production. (S) Polyurethane for glass fiber sizing. Prod. range: Confidential.

Dated: July 10, 1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-16894 Filed 7-15-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-59300A; FRL-3935-6]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TME-91-21 and TME-91-22. The test marketing conditions are described below.

EFFECTIVE DATES: July 10, 1991.

FOR FURTHER INFORMATION CONTACT: William B. Lee, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, rm. E-613-A, 401 M St., SW., Washington, DC 20460 (202) 382-3769.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME–91–21 and TME–91–22. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

The following additional restrictions apply to TME–91–21 and TME–91–22:

1. A bill of lading accompanying each shipment must state that the use of the substances is restricted to that approved in the TMEs.

2. During manufacturing, processing, and use of the substances at any site controlled by the Company, any person under the control of the Company, including employees and contractors, who may be dermally exposed to the substances shall use gloves determined by the Company to be impervious to the substances under the conditions of exposure, including the duration of exposure. The Company shall make this determination either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation by the PMN substances and associated chemical substances.

3. The Company must affix a label to each container of the substances or formulations containing the substances. The label shall include, at a minimum, the following statement:

WARNING: Contact with skin may be harmful. Chemicals similar in structure have been found to cause irritation and corrosion to tissue. To protect yourself, you must wear protective gloves.

4. The applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

a. Records of the quantity of the TME substances produced and the date of manufacture.

b. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

c. Copies of the labels affixed to containers of the substances or formulations containing the substances.

d. Copies of the bill of lading that accompanies each shipment of the substances.

e. Copies of any determination under paragraph 2.a. above that the protective gloves used by the Company are impervious to the substances.

T–91–21

Date of Receipt: May 29, 1991.

Notice of Receipt: June 28, 1991 (56 FR 29651).

Applicant: Westvaco Corporation.

Chemical: (G) Complex tall oil polyalkylene polyamide.

Use: (G) Set accelerator for asphalt emulsions.

Production Volume: Confidential.

Number of Customers: 21 companies, 111 sites.

Test Marketing Period: 12 Months from commencement of manufacture.

T–91–22

Date of Receipt: May 29, 1991.

Notice of Receipt: June 28, 1991 (56 FR 29651).

Applicant: Westvaco Corporation.

Chemical: (G) Complex tall oil polyalkylene polyamide, alkali metal salt.

Use: (G) Set accelerator for asphalt emulsions.

Production Volume: Confidential.

Number of Customers: 21 companies, 111 sites.

Test Marketing Period: 12 Months from commencement of manufacture.

Risk Assessment: EPA identified concerns for skin irritation based on analogy to structurally similar substances. However, during manufacturing, processing, and use, exposure to workers will be prevented by the use of protective gloves. Therefore, the test market activities will not present an unreasonable risk of injury to health.

EPA has identified potential environmental concerns for the test market substance TME–91–22. Based on Quantitative Structure Activity Relationships (QSARs) derived from test data on structurally similar compounds, EPA expects aquatic toxicity at a concentration of 50 parts per billion (ppb). However, due to production volume restrictions which limit the number of days and quantity of TME substance released to water, the test market activities are not expected to present an unreasonable risk of injury to the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: July 10, 1991.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 91–16893 7–15–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

July 8, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: None.

Title: Private Microwave License Construction Response Form.

Form Number: FCC Form 402–C.

Action: New collection.

Respondents: Individuals or households, state or local governments, nonprofit institutions, and businesses or

other for-profit (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 2,400 responses; .166 hours average burden per response; 398 hours total annual burden.

Needs and Uses: Licensees are required to place stations in operation within 12, 18, or 36 months after authorization effective date. The FCC Form 402–C verifies compliance. The data is used by FCC staff to determine if a licensee is entitled to their authorization to operate.

OMB Number: 3060–0344.

Title: Section 1.1705, Method for determining duration of Cuban interference.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement and on occasion reporting.

Estimated Annual Burden: 25 responses, .5 hours average burden per response; 1 recordkeeper, 45 hours average burden per recordkeeper, 58 hours total annual burden.

Needs and Uses: Section 1.1705 requires that U.S. applicants (AM stations) for compensation due to facilities changes required to mitigate Cuban interference monitor and log signals of interfering Cuban stations for 60 consecutive days and submit the results to the Commission. The data is used by FCC staff to assure that a Cuban station has caused objectionable interference within the service area of an AM station.

OMB Number: 3060–0345.

Title: Section 1.1709, Requirements for filing applications for compensation.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 25 responses; 30 hours average burden per response; 750 hours total annual burden.

Needs and Uses: Section 1.1709 requires that U.S. (AM radio stations) submit an informal application for compensation of expenses incurred in mitigating the effects of Cuban interference and any supplemental information the Commission may request the applicant to file. In order to mitigate the effects from Cuban interference, the application must be accompanied by certain documentation. The informal application and supplemental information is used by FCC staff to assure that compensation to the station is justified.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–16798 Filed 7–15–91; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–902–DR]

Louisiana; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA–902–DR), dated April 23, 1991, and related determinations.

DATES: July 2, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Louisiana, dated April 23, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 23, 1991:

Ouachita Parish for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–16869 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

American Transport Lines, Inc.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212–010382–022.

Title: Argentina/U.S. Gulf Ports Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacao C.F.I.I., Companhia Maritima Nacional, Companhia de Navegacao Lloyd Brasileiro.

Synopsis: The proposed amendment would provide a cross reference in the agreement authority to other agreement provisions governing space chartering among the parties.

Agreement No.: 203–011162–009.

Title: Panam Discussion Agreement.

Parties: United States Panama Freight Association, Lykes Bros. Steamship Co. Inc., Ecuadorian Line, Inc., Central America Shippers, Inc., Nedlloyd Lines, Transportes Navieros Equatorianos.

Synopsis: The proposed amendment would add Empresa Naviera Santa and King Ocean Central America, S.A. as independent carrier parties to the Agreement. The parties have requested a shortened review period.

Agreement No.: 217–011324–002.

Title: Transpacific Space Utilization Agreement.

Parties: TWRA Conference Parties: American President Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., A.P. Moller-Maersk Line, Mitsui O.S.K. Lines, Ltd., Neptune Orient Lines, Ltd., Nippon Liner System, Ltd., Nippon Yusen Kaisha, Ltd., Sea-Land Service, Inc.

Independent Carrier Parties: Evergreen Marine Corporation, Hyundai Merchant Marine Co., Ltd., Orient Overseas Container Line, Yang Ming Lines, Hanjin Shipping Co., Ltd.

Synopsis: The proposed amendment would add Transportacion Maritima Mexican, S.A. (Mexican Line) as an independent carrier party to the Agreement. The parties have requested a shortened review period.

Agreement No.: 203–011325–001.

Title: Westbound Transpacific Stabilization Agreement.

Parties: TWRA Conference Parties: American President Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., A.P. Moller-Maersk Line, Mitsui O.S.K. Lines, Ltd., Neptune Orient Lines, Ltd., Nippon Liner System, Ltd., Nippon Yusen Kaisha, Ltd., Sea-Land Service, Inc.

Independent Carrier Parties: Evergreen Marine Corporation, Hanjin Shipping Co., Ltd., Hyundai Merchant

Marine Co., Ltd., Orient Overseas Container Line, Yang Ming Lines.

Synopsis: The proposed amendment would add Transportacion Maritima Mexican, S.A. (Mexican Line) as an independent carrier party to the Agreement. The parties have requested a shortened review period.

Agreement No.: 232–011337.

Title: Neptune Orient Lines, Ltd.; Nippon Liner System, Ltd.; and Nippon Yusen Kaisha Space Charter and Sailing Agreement in the Far East, South East Asia, Australasia, South West Asia and Mid-East-U.S. Pacific Coast Trades.

Parties: Neptune Orient Lines, Ltd., Nippon Liner System, Ltd., Nippon Yusen Kaisha.

Synopsis: The proposed Agreement would authorize the parties to charter and subcharter space from each other and coordinate sailings in the trade between ports in the Far East, South East Asia, Australasia, South West Asia and Mid-East, and ports on the U.S. Pacific Coast, including Alaska and Hawaii and inland points via such ports. The Agreement would also include a transition provision to clarify that the parties will not be prevented from fulfilling their obligations arising under certain other agreements currently in effect.

By Order of the Federal Maritime Commission.

Dated: July 10, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91–16820 Filed 7–15–91; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 91–29]

Empresa Naviera Santa, Ltd., as Agent for Empresa Naviera Santa, S.A. v. Frutech International; Filing of Complaint and Assignment

Notice is given that a complaint filed by Empresa Naviera Santa, Ltd. as agent for Empresa Naviera Santa, S.A. ("Complainant") against Frutech International ("Respondent") was served July 10, 1991. Complainant alleges that Respondent engaged in violations of section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. 1709(a)(1), by failing and refusing to pay ocean freight and other charges lawfully assessed pursuant to Complainant's applicable tariffs or service contracts on shipments of watermelons, cantaloupes and honey dew melons from Puerto Cortes, Honduras to Miami, Florida between December 1990 and February 1991.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by July 10, 1992, and the final decision of the Commission shall be issued by November 9, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 91–16850 Filed 7–15–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bon, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 5, 1991.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Bon, Inc., Moundridge, Kansas; to acquire 100 percent of the voting shares of Hesston State Bank, Hesston, Kansas.

2. Kansas Bank Corporation, Liberal, Kansas; to acquire 100 percent of the voting shares of Syracuse Financial Company, Syracuse, Kansas, and thereby indirectly acquire First National Bank of Syracuse, Syracuse, Kansas.

3. Widmer Oil Company, Salisbury, Missouri; to become a bank holding company by merging with Widmer Bancshares, Inc., Salisbury, Missouri, and thereby indirectly acquire Merchants and Farmers Bank, Salisbury, Missouri.

Board of Governors of the Federal Reserve System, July 10, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-16839 Filed 7-15-91; 8:45 am]

BILLING CODE 6210-01-F

Kenneth and Scott Kopp, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 5, 1991.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Kenneth and Scott Kopp; to acquire an additional 4.76 percent (totalling 29.75 percent) of the voting shares of Gale Bank Holding Company, Inc., Galesville, Wisconsin, and thereby indirectly acquire Bank of Galesville, Galesville, Wisconsin.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Union Carbide Corporation through Benefit Capital Management

Corporation, as investment manager for the Prudential Insurance Company of America, to acquire 9.87 percent for a total ownership of 17.97 percent; and Union Carbide Corporation through Benefit Capital Management Corporation, as investment manager for Manufacturers Hanover Trust Company, as trustee for the Retirement Program Plan for Employees of Union Carbide Corporation and its participating subsidiary companies, to acquire .99 percent for a total ownership of 1.80 percent of Ford Bank Group, Inc., Lubbock, Texas, and thereby indirectly acquire First National Bank of Borger, Borger, Texas; First National Bank in Canyon, Canyon, Texas; First State Bank, Crane, Texas; Yoakum County State Bank, Denver City, Texas; First National Bank of Lubbock, Lubbock, Texas; First National Bank of Plainview, Plainview, Texas; and First National Bank of Post, Post, Texas.

Board of Governors of the Federal Reserve System, July 10, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-16840 Filed 7-15-91; 8:45 am]

BILLING CODE 6210-01-F

Letchworth Independent Bancshares Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 5, 1991.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Letchworth Independent Bancshares Corporation, Castile, New York; to engage *de novo* through its subsidiary Letchworth Interim Savings Bank, LeRoy, New York, in operating a savings association which will acquire deposits and certain related loans and the premises of the branch office of Anchor Savings Bank FSB, LeRoy, New York, and immediately transfer those deposits and loans to Letchworth's bank subsidiary, The Bank of Castile, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 10, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-16841 Filed 7-15-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Program Announcement Number 171]

Implementing Hazardous Substance Training for Emergency Responders; Notice of Availability of Funds for Fiscal Year 1991

Introduction

The Centers for Disease Control (CDC), National Institute for Occupational Safety and Health (NIOSH), announces the availability of Fiscal Year 1991 funds for a cooperative agreement to conduct a hazardous substance training program for firefighters. The agreement will expand the current occupational health and safety education efforts of CDC by targeting the primary group of emergency responders who have a statutory responsibility for responding to and controlling hazardous emergencies.

CDC is committed to supporting education programs to provide an adequate supply of personnel to carry out the purposes of the Occupational Safety and Health Act and to provide programs on the importance and use of safety and health equipment. The cooperative agreement will significantly strengthen the occupational public health infrastructure by integrating resources for occupational safety and health research and public health prevention programs at the state and local levels.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering Healthy People 2000 see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under section 21(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670[a]).

Eligible Applicants

Eligible applicants include nonprofit and for-profit organizations. Thus, universities, colleges, research institutions, groups representing firefighters, hospitals, and other public and private organizations, state and local health departments and agriculture departments, and small, minority and/or women-owned businesses are eligible for these cooperative agreements.

Availability of Funds

Approximately $200,000 will be available in Fiscal Year 1991 to fund one cooperative agreement. The award is expected to begin on or about September 30, 1991, for a 12-month budget period within a project period of one year.

Purpose

The purpose of this award is to assist in the implementation of a hazardous substance training program for firefighters.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. below, and CDC/

NIOSH will be responsible for conducting activities under B. below.

A. Recipient Activities:

1. Develop a complete plan of action to establish a model training program for firefighters for various levels of hazardous materials emergency response.

2. Identify a region or local area of at least two communities with a particularly acute need for hazardous materials emergency response training and conduct a survey of the needs for various levels of firefighter responder training.

3. Designate specific levels of training and staff personnel to be trained.

4. In collaboration with NIOSH, develop a curriculum of initial training, refresher training, and updated skills training. NIOSH trainee registration forms (CDC/NIOSH[C] 2.20) will be completed by each trainee.

5. Develop a plan to select and train faculty to conduct training classes. Audiovisual support, space, facilities, and equipment will be provided by the recipient. Course materials utilized will be those developed specifically for firefighter training under the NIEHS Worker Training Program.

6. Select participants and conduct training programs for firefighters for various levels of hazardous materials emergency response.

7. Develop and implement an evaluation plan to measure the impact of the training.

8. In collaboration with NIOSH, evaluate the efficacy and use of training through a variety of mechanisms.

9. Collaborate with NIOSH in disseminating training information to faculty, students and others as needed.

B. CDC/NIOSH Activities:

1. Provide technical assistance and consultation, through site visits and correspondence, in the areas of program development and implementation.

2. Provide scientific and technical collaboration in the development of curriculum materials and their subsequent review.

3. Provide on-site technical consultation during the training program with recommendations to assist the trainers.

4. Provide training materials, such as video tapes and published documents, to the recipient, when appropriate and needed.

5. Provide technical assistance in the evaluation of the results and efficacy of the training conducted.

6. Assist in the dissemination of training information to appropriate personnel.

Evaluation Criteria

The application will be reviewed based on the evidence submitted which specifically describes the applicant's ability to meet the following criteria:

1. Responsiveness to the objectives of the cooperative agreement including: (a) The applicant's understanding of the objectives of the proposed cooperative agreement, and (b) the relevance of the proposal to the objectives. (20%)

2. Feasibility of meeting the proposed goals of the cooperative agreement including: (a) The proposed schedule for initiating and accomplishing each of the activities of the cooperative agreement and, (b) the proposed method for evaluating the accomplishment. (20%)

3. Strength and comprehensiveness of the training program plan which addresses the distinct characteristics and needs of the target audience and which includes essential instructional strategies for planning, conducting and evaluating training programs. (25%).

4. Training and experience of the Program Director and staff including: (a) Program Director with technical expertise and education in the hazardous substance field, and (b) faculty with training and experience in the appropriate technical content areas. (15%).

5. The capability of accessing national firefighter groups in order to ensure consistency in delivering training programs, credibility with state and local educational institutions, fire marshals and firefighters and the ability to bring in replacement teams for trainees. (20%).

6. The budget will be evaluated to the extent it is reasonable, clearly justified, and consistent with the intended use of funds. (Not Scored).

Other Requirements

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Executive Order 12372 Review

Applications are not subject to review by Executive Order 12372, Intergovernmental Review of Federal Programs.

Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance Number for this program is 93.263.

Application Submission and Deadline

Applicants should follow the guidelines provided in the PHS Form 5161–1 (Revised 03/89) when preparing the applications. The original and two copies of the PHS 5161–1 must be submitted on or before August 12, 1991, to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305.

1. Deadline. Applications will be considered to have met the deadline if they are either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission for the review process. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.

2. Applications that do not meet the criteria in 1.A. or 1.B. above are considered late applications and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Lisa Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mail Stop E–14, Atlanta, GA 30305, (404) 842–6630.

Please refer to Announcement Number 171 when requesting information on this program.

Programmatic technical assistance is available from Bernadine B. Kuchinski, Ph.D., Educational Resource Development Branch, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, (513) 533–8241 or FTS 684–8241.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238.)

Dated: July 10, 1991.

Larry W. Sparks,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 91-16837 Filed 7-15-91; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 91F-0169]

W. R. Grace, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition has been filed on behalf of W. R. Grace, Ltd., proposing that the food additive regulations be amended to provide for the safe use of styrene-butadiene-methacrylic acid terpolymer, 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt as components in can end cements in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack Center for Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C 348(b)(5)), notice is given that a petition (FAP 1B4256) has been filed on behalf of W. R. Grace, Ltd., Cromwell Rd., St. Neots, Huntingdon, Cambridgeshire PE 19 1QL, England, proposing that the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of styrene-butadiene-methacrylic acid terpolymer, 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt as components in can end cements in contact with food.

The potential environmental impact of this section is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c)

Dated: July 5, 1991.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-16925 Filed 7-15-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0170]

W.R. Grace, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition has been filed on behalf of W.R. Grace, Ltd., proposing that the food additive regulations be amended to provide for the safe use of styrene-T3n-butyl acrylate-acrylic acid terpolymer, 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polythylene glycol dodecyl ether, disodium salt as components in can end cements in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4257) has been filed on behalf of W.R. Grace, Ltd., Cromwell Rd., St. Neots, Huntingdon, Cambridgeshire PE 19 1QL, England, proposing that the food additive regulations in § 175.000 *Resinous and polymeric coatings* (21 CFR 175.300) be amended to provide for the safe use of styrene-*n*-butyl acrylate-acrylic acid terpolymer 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt as components in can end cements used in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 5, 1991.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-16929 Filed 7-15-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91G-0201]

Novo Nordisk Bioindustrial, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Novo Nordisk Bioindustrial, Inc., has filed a petition (GRASP 0G0363), proposing that α-amylase enzyme preparation derived from a genetically modified strain of *Bacillus licheniformis* containing the α-amylase gene from *B. stearothermophilus* be affirmed as generally recognized as safe (GRAS) as a direct human food ingredient.

DATES: Written comments must be received by September 16, 1991.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vincent Zenger, Center for Food Safety and Applied Nutrition (HFF-333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 (21 U.S.C. 321(s), 348)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that Novo Nordisk Bioindustrial, Inc., 33 Turner Rd., Danbury, CT 06813-1907, has filed a petition (GRASP 0G0363) proposing that α-amylase enzyme preparation derived from a genetically modified strain of *B. licheniformis* containing the α-amylase gene from *B. stearothermophilus* be affirmed as GRAS for use as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 and 170.35 (21 CFR 170.30 and 170.35) is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the

evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before September 16, 1991, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 5, 1991.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91–16924 Filed 7–15–91; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 91N–0256]

Public Meeting; Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a public meeting will be held before FDA's Dietary Supplement Task Force, chaired by Gary J. Dykstra, Deputy Associate Commissioner for Regulatory Affairs. The purpose of the meeting is to discuss issues related to FDA's regulation of dietary supplements. This document invites the public to participate in this meeting, outlines the issues to be discussed at the meeting, and provides background information on those issues.

DATES: The public meeting will be held on Thursday, August 29, 1991. Should more time be needed, Friday, August 30, 1991, has been set aside for this purpose. Submit notices of participation by August 12, 1991. Submit relevant data and written comments by September 5, 1991. Relevant data, comments, and notices of participation should be identified with the docket number found in brackets in the heading of this document.

ADDRESSES: The meeting will be held at the Jack Masur Auditorium, Bldg. 10, Clinical Center, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Submit relevant data, written comments and notices of participation to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Regarding scheduling information: Claudette Guilford, Office of Regulatory Resource Management (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4166.

Regarding technical information: John Hathcock, Center for Food Safety and Applied Nutrition (HFF–268), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1198.

Regarding general information: David Tishler, Division of Regulations Policy (HFC–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3482,

or

Nathaniel Geary, Scientific and Trade Affairs (HF–51), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6776.

SUPPLEMENTARY INFORMATION:

I. Background

The Commissioner has established an agency task force that is investigating how dietary supplements should be regulated. The task force is examining the benefits and advantages offered by dietary supplements, cultural, ethnic, and traditional considerations, as well as the risks and problems that they create. In addition, the task force is considering whether FDA can implement new strategies for regulating dietary supplements under its current statutory authority, or whether new legislation is needed.

FDA has regulated dietary supplements by a variety of means which some have argued has resulted in equivocal policies. FDA seeks public comment on ways to bring order to the agency's regulation of dietary supplements, to protect the public health, and to provide a consistent regulatory policy for industry.

For this meeting, the Dietary Supplement task Force will not consider health claims issues with respect to dietary supplements. These issues are being considered separately as part of the agency's implementation of Nutritional Labeling and Education Act of 1990.

II. Major Issues Related to Dietary Supplements

To promote a more useful discussion at the public meeting, FDA has developed the following list of questions:

1. How should FDA define a dietary supplement? How broadly? How narrowly? Should the agency establish categories of supplements?

2. What characteristics should dietary supplements have?

3. Assuming that primary goal of the regulatory scheme should be to assure the safety of dietary supplements, what other goals should FDA have in regulating dietary supplements?

4. How can FDA best achieve these goals?

5. Should FDA establish standards or work with the United States Pharmacopeia (U.S.P.) to establish standards governing product integrity (labeled contents, bioavailability, adequate directions for use, and dissolution) for dietary supplements?

6. Do you think that FDA currently has adequate statutory authority to regulate dietary supplements so that it protects the public health? If not, is there need for new legislation to enable FDA to improve its regulation of dietary supplements?

7. Should such legislation make dietary supplements into a new, separate, and distinct category of products, not subject to the requirements applicable to either foods or drugs? If so, what elements should such a regulatory scheme include?

Participants should keep in mind that the basic purpose of the meeting is to gather information to be used by the task force to develop viable regulatory policy recommendations for dietary supplements.

III. The Public Meeting

FDA has scheduled the meeting for Thursday, August 29, 1991, 8:30 a.m. to 5 p.m., at Jack Masur Auditorium (address above). Should more time be needed, Friday, August 30, 1991, is available. The meeting will focus on the issues identified above and will be conducted in accordance with 21 CFR 10.65.

IV. Participation in the Meeting

Two copies of written requests to participate in the meeting should be submitted to the Dockets Management Branch (address above), by August 12, 1991, identified with the docket number found in brackets in the heading of this document.

The notice of participation should include the following:

(1) Typed or written name, affiliation (if applicable), address, and home and work telephone numbers (and FAX number if available) of participant;

(2) Designation of issue or issues for presentation (see section II); and

(3) "Notice of Participation: Dietary Supplement Meeting" printed or typed on the outside of the envelope.

FDA requests that those who wish to make a presentation at the meeting provide early notification to allow ample time for scheduling of presentations.

After reviewing the notices of participation and accompanying information, FDA will schedule each appearance and notify each participant by mail or telephone of the approximate time the person's oral presentation is scheduled to begin. The meeting schedule will be available at the meeting, and after the meeting schedule will be available at the meeting, and after the meeting, it will be placed on file in the Dockets Management Branch under the docket number found in brackets in the heading of this document.

Participants will be allotted a total of 5 minutes to speak on any or all of the issues. The presentations will be followed by a discussion period with the FDA panel. Individuals and organizations that do not submit a notice of participation, but would like to testify, will have the opportunity if time permits.

Any handicapped persons requiring special accommodations to attend the meeting should direct those needs to Claudette Guilford (address above).

V. Written Comments

In addition, interested persons may submit written comments on the issues discussed in this notice. Two copies of these comments must be submitted by September 5, 1991, to the Dockets Management Branch (address above). The administrative record of the hearing will remain open for 7 days following the meeting. Persons who wish to submit relevant data for consideration are to file these materials with the Dockets Management Branch. To assure timely handling, any envelope should be clearly marked with Docket No. 91N–0256 and the statement "Dietary Supplements Meeting." Transcripts of the meeting, copies of relevant data and information submitted during the meeting, and any comments will be available for review at the Dockets Management Branch.

The meeting is informal, and the rules of evidence do not apply. Only the chairman and the task force members may question any person during or at the conclusion of their presentation.

FDA will use the information and written comments received at the meeting or in response to this notice in developing recommendations concerning FDA's regulation of dietary supplements. The agency hopes that a broad spectrum of private and public interests will participate in the meeting.

Dated: July 10, 1991.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–16852 Filed 7–15–91; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[IOA–031–N]

Medicare Program; Establishment of the Practicing Physicians Advisory Council and Request for Nominations for Members

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the establishment of the Practicing Physicians Advisory Council that will advise the Secretary of Health and Human Services and the Administrator of the Health Care Financing Administration, as requested by the Secretary, about certain proposed changes in Medicare regulations and carrier manual instructions that concern physician services. In addition, this notice requests nominations for members from medical organizations representing physicians.

DATES: Nominations from medical organizations will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on August 15, 1991.

ADDRESSES: You may mail or deliver nominations for membership to the following address: Health Care Financing Administration, Office of the Administrator, room 314–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201. Attention: Louis F. Rossiter, Ph.D.

A request for a copy of the Secretary's Charter for the Practicing Physicians Advisory Council should be submitted to the address provided above.

FOR FURTHER INFORMATION CONTACT: Louis F. Rossiter, Ph.D., (202) 245–8502.

SUPPLEMENTARY INFORMATION:

I. Background

Section 4112 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) added a new section 1868 to the Social Security Act (the Act) that establishes the Practicing Physicians Advisory Council (the Council), which will advise the Secretary as requested on proposed regulations and manual issuances related to physician services. An advisory committee created by Congress, such as this one, is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), and since this advisory committee will advise the Secretary, it is also subject to Department regulations in 45 CFR part 11—Committee Management.

Management and support services will be provided by the Office of the Administrator, HCFA. This notice announces the signing of the charter by the Secretary on June 13, 1991. This charter ends at close of business on June 12, 1993 unless renewed by the Secretary.

II. Provisions of this Notice

Section 1868(a) of the Act provides that the Council will consist of 15 physicians, each of whom must have submitted at least 250 claims for physician services under Medicare in the previous year. At least 11 Council members will be physicians as defined in section 1861(r)(1) of the Act, that is State-licensed physicians of medicine or osteopathy. The other four Council members may include dentists, podiatrists, optometrists, and chiropractors. The Council must include both participating and nonparticipating physicians and physicians practicing in rural areas and medically underserved urban areas.

In addition, section 1868(a) of the Act provides that nominations to the Secretary for Council membership may be made by medical organizations representing physicians. From these nominations, the Secretary will appoint the members of the Council. Each nomination must state that the nominee has expressed a willingness to serve as a Council member. To permit evaluation of possible sources of conflict of interest, potential candidates will be asked to provide detailed information concerning financial holdings, consultant positions, and research grants and contracts.

Initially the Secretary will select physicians to serve for either 2 or 4-year terms. Subsequently, appointments will be for a term of 4 years. Thus, the members' terms will be for overlapping 4-year periods. Completion of all 4-year terms is contingent upon the Secretary's renewal of the charter for the Advisory Committee. If a vacancy arises, it will be filled following these same procedures; that is, nomination by a physician medical organization and selection by the Secretary.

Section 1868(b) of the Act provides that the Council meet once each calendar quarter to discuss proposed changes in regulations and manual issuances that relate to physician services, as requested by the Secretary. As provided for in section 1868(b) of the

Act, "To the extent feasible and consistent with statutory deadlines * * *," Council meetings are to occur before publication of proposed changes. Unless the Secretary determines otherwise, these Council meetings will be open to the public. Before each public meeting, we will publish a notice in the **Federal Register** announcing the time, location, and issues for discussion.

Under provisions in 45 CFR 11.4(i), the Council will submit an annual report to the Administrator and the Secretary no later than December 31 of each year. At a minimum the report will include a list of members and their business addresses, the Council's functions, dates and locations of meetings, and a summary of Council activities and recommendations made during the Federal fiscal year that ended the previous September 30. Notice of the availability of the annual report will be published in the **Federal Register** no later than 60 days after submittal of the Report to the Administrator and the Secretary. A copy of the annual report may then be obtained from the Department Committee Management Officer. In addition the public may view the report in the Department's library.

Section 1886(c) of the Act provides for payment of expenses and a per diem allowance for Council members at a rate equal to payment provided to members of other advisory committees. In addition to making these payments, HCFA will provide management and support services to the Council.

Authority: Section 1868 of the Social Security Act (42 U.S.C. 1395ee); 5 U.S.C. App. 2; and 45 CFR part 11.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 21, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 91–16866 Filed 7–15–91; 8:45 am]

BILLING CODE 4120–01–M

Health Resources and Services Administration

Program Announcement and Proposed Funding Priorities for Grants for Graduate Training in Family Medicine

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 Grants for Graduate Training in Family Medicine are being accepted under the authority of section 786(a), title VII of the Public Health Service Act, extended by the Health Professions Reauthorization Act of 1988, Public Law 100–607, title VI. Comments are invited on the proposed funding priorities.

This authority will expire on September 30, 1991. This program announcement is subject to reauthorization of this legislative authority and to the appropriation of funds.

The Administration's budget request for FY 1992 does not include funding for this program. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the programs as well as provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Public Law 100–607, section 633(a), requires that for grants issued under sections 780, 784, 785 and 786 for FY 1990 or subsequent fiscal years, the Secretary of Health and Human Services shall, not less than twice each fiscal year, issue solicitations for applications for such grants if amounts appropriated for such grants and remaining unobligated at the end of the first solicitation period, are sufficient with respect to issuing a second solicitation.

Section 786(a) of the Public Health Service Act authorizes the Secretary to award grants to public or nonprofit private hospitals, accredited schools of medicine or osteopathic medicine or other public or private nonprofit entities to assist in meeting the costs of planning, developing and operating or participating in approved graduate training programs in the field of family medicine. In addition, section 786(a) authorizes assistance in meeting the cost of supporting trainees in such programs who plan to specialize or work in the practice of family medicine.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR part 57, subpart Q.

The period of Federal support should not exceed 5 years.

National Health Objectives for the Year 2000

The (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000. A PHS-led national activity for setting priority areas. The Graduate Training in Family Medicine Program is related to the priority areas of Education and Community-Based Programs.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between its education programs and U.S. Public Health Service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The degree to which the proposed project provides for the project requirements;
2. The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner; and
3. The potential of the project to continue on a self-sustaining basis.

In addition, the following mechanisms may be applied in determining the funding of approved applications:

1. Funding priorities—favorable adjustment of aggregate review scores when applications meet specified objective criteria.
2. Special considerations—enhancement of priority scores by merit reviewers based on the extent to which applicants address special areas of concern.

Established Funding Priority

The following funding priority was established in FY 1989 after public comment and the Administration is again extending this priority in FY 1992.

In determining the order of funding of approved applications a funding priority will be given to:

Applications that demonstrate sufficient curricular time and offerings devoted to assuring competence in the prevention, recognition and treatment of those with HIV infection-related diseases.

Proposed Funding Priorities

In addition, for FY 1992, it is proposed that the following funding priorities be applied:

1. Applications that propose to provide educational experiences to demonstrate to residents the provision of primary care services to underserved populations. These experiences must include substantial training involving one or more of the following eligible entities: (1) Inpatient or outpatient health care facilities located in a Health

Professional Shortage Area (HPSA), PHS 332 or in a Medically Underserved Area (MUA) designated under provisions of PHS Act, section 330(b)(3), (2) Community Health Centers currently supported under PHS Act, section 330, Migrant Health Centers currently supported under PHS Act, section 329, Homeless Health Centers supported under PHS Act, section 340, facilities that have formal arrangements to provide primary health services to public housing communities, or hospitals and/or health care facilities of the Indian Health Service, or (3) health care facilities, that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs.

Proposed Funding Priorities

In addition, for FY 1992, it is proposed that the following funding priorities be applied:

1. Applications that propose to provide educational experiences to demonstrate to residents the provision of primary care services to underserved populations. These experiences must include substantial training involving one or more of the following eligible entities: (1) Inpatient or outpatient health care facilities located in a Health Professional Shortage Area (HPSA), PHS Act, section 332 or in a Medically Underserved Area (MUA) designated under provisions of PHS Act, section 330(b)(3), (2) Community Health Centers currently supported under PHS Act, section 330, Migrant Health Centers currently supported under PHS Act, section 329, Homeless Health Centers supported under PHS Act, section 340, facilities that have formal arrangements to provide primary health services to public housing communities, or hospitals and/or health care facilities of the Indian Health Service, or (3) health care facilities, that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas. Section 330(b) establishes Medically Underserved Areas which are areas designated by the PHS, based on four criteria:

(1) Infant mortality rate;

(2) Percentage of the population below the poverty level;

(3) Percentage of the population over age 65; and

(4) Number of practicing primary care physicians per 1,000 population.

Section 330 authorizes support for community health care services to medically underserved populations. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. Section 340 authorizes Health Care for the Homeless Program, as used here, means a community-based program of comprehensive primary health care and substance abuse services brought to the homeless population. At a minimum, this program of care and services must be fully integrated and must assure that care, coordination and case management are rigorously employed. A full description of the program may be found in **Federal Register**, (55 FR 31233) (August 1, 1990).

Public Housing Communities means the residents of low income public housing projects that receive Federal assistance, usually through a local public housing agency, under the provisions of the U.S. Housing Act of 1937.

To meet this priority 20 percent of each resident's training time over the course of the training program must occur in an eligible facility or facilities as described above. All continuity of care and block training experience in eligible ambulatory and/or inpatient settings may be counted toward this provision.

This priority will be heavily weighted and is designated to implement HRSA's overall strategy to direct services to those most in need.

2. Applications where the *proportion* of underrepresented minorities (i.e., Black, Hispanic and American Indian/Alaskan Native) in the first year of residency training during academic years 1988–1989 to 1990–91 exceeds 15 percent or the number of current first-year underrepresented minority residents exceeds the average of the prior two years by at least two.

These population groups continue to be underrepresented in the medical profession and have insufficient access to primary medical care. Studies show that minority physicians provide a greater proportion of health care for medically underserved populations than other U.S. physicians. Therefore, increased representation should help promote greater access to health care for these populations.

3. Applications that demonstrate that curricular time and educational offerings will be devoted to demonstrating and achieving better preventive/primary care services for underserved communities, areas or populations.

This community-oriented primary care training focus is important for physicians who will serve in NHSC and other shortage sites.

Statutory Special Consideration

Special consideration will be given to applications demonstrating a commitment to Family Medicine.

Additional Information

Interested persons are invited to comment on the proposed funding priorities. Normally the comment period would be 60 days. However, due to the need to implement any changes for the FY 1992 award cycle, this comment period has been reduced to 30 days. All comments received on or after August 15, 1991 will be considered before the final priorities are established. No funds will be allocated or final selections made until a final notice is published stating when the final priorities will be applied.

Written comments should be addressed to:

Marc L. Rivo, M.D., M.P.H., Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–25, Rockville, Maryland 20857

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Requests for application materials and questions regarding grants policy and business management aspects should be directed to:

Mrs. Judy Bowen (D–15), Residency and Advanced Grants Section, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6960

Completed applications should be forwarded to the Grants Management Officer at the above address.

If additional programmatic information is needed, please contact:

Mr. Donald Buysse, Chief, Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C.04, Rockville, Maryland 20857, Telephone: (301) 443–6820

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork

Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of application is August 30, 1991. Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commerical carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The program, Grants for Graduate Training in Family Medicine, is listed at 93.379 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: June 11, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91–16927 Filed 7–15–91; 8:45 am]

BILLING CODE 4160–IS–M

Public Health Service

Indian Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H, chapter HG (Indian Health Service) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Public Health Service (PHS), chapter HG, Indian Health Service (IHS), 52 FR 47053–67, December 11, 1987, as most recently amended at 56 FR 22015–16, May 13, 1991, is amended to reflect the establishment of an organizational substructure for the Bemidji Area Office to more accurately reflect current activities in the Area Office.

Under *Chapter HG, Section HG–20, Functions,* after the statement for the *IHS Area Office (HGF), Information and Resources Management Program,* insert the following:

Bemidji Area Office (HGFE)

Office of the Area Director (HGFE1). (1) Plans, develops, and directs the Area Program within the framework of IHS policy in pursuit of the IHS mission; (2) delivers and ensures the delivery of high quality comprehensive health services; (3) coordinates the IHS activities and resources internally and externally with those of other governmental and non-governmental programs; (4) promotes optimum utilization of health care services through management and delivery of services to American Indians and Alaska Natives; (5) ensures the full application of the principles of Indian preference and Equal Employment Opportunity; and (6) provides Indian tribes and other Indian community groups with optional ways of participating in the Indian health programs including an opportunity to participate in developing the goals and objectives for the Bemidji Area IHS.

Office of Administration and Management (HGFE2). (1) Plans, implements, directs, and evaluates Area administrative management support activities; (2) advises the Area Director on all matters related to Area management and administrative support activities; (3) provides guidance to the Area on financial management activities including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of grants and contracts; (4) participates in and advises the Area Director on the allocation of the Area's personnel management and funding resources; (5) interprets policy and provides direction in the conduct of the Area's procurement, contracting, and grants activities; and (6) maintains necessary liaison with various components of the IHS and the PHS in furtherance of Area management activities.

Office of Tribal Activities (HGFE3). (1) Plans, coordinates, evaluates, directs, and implements Public Law 93–638, the Indian Self-Determination and Education Assistance Act program; (2) develops, coordinates, and monitors the program aspects of tribal contracts and grants; (3) provides technical assistance to tribal organizations and urban groups; (4) coordinates and stimulates activities designed to promote Indian participation in IHS health programs; (5) serves as liaison with State and tribal governments as well as with other agencies and organizations; and (6) coordinates the Area community health representative program.

Office of Health Programs Operations (HGFE4). (1) Plans, coordinates, implements, directs, and evaluates the Area health care program; (2) advises the Area Director on all matters related to health care program operations; (3) provides for the evaluation of Area clinical services and preventive health programs as well as tribal health programs; (4) assesses, plans, develops, monitors, and evaluates the community health nursing program; (5) plans, directs, coordinates, and evaluates the health records program; (6) monitors and reviews health care operations including the coordination of reviews by Medicare/Medicaid and the Joint Commission on Accreditation of Healthcare Organizations survey teams and other health professional review teams; (7) identifies program resources and ensures that all health care services delivered in the Bemidji Area are of the highest quality compatible with available resources; and (8) plans, coordinates, implements, develops, and evaluates a national/international recruitment/retention program to ensure a cadre of qualified health professionals in the Bemidji Area.

Office of Environmental Health and Engineering (HGFE5). (1) Plans, evaluates, coordinates, and implements the Area environmental health services programs, the facilities management branch and the clinical biomedical engineering branch; (2) coordinates activities designed to identify problems and effect improvement in the Indian homes, community, work, and institutional environments; (3) provides advisory and consultative services regarding sanitation practices, hazardous conditions and those physical, social, and behavioral factors which affect the environment; (4) provides direction on constructing, improving, and extending essential sanitation facilities in Indian homes and communities; (5) provides direction in constructing, maintaining, and improving IHS health facilities; and (6) provides management of owned and leased real property, including quarters.

Bemidji Area Service Units (HGFEA, HGFEB, and HGFEC). Greater Leech Lake Service Unit (HGFEA); Redlake Service Unit (HGFEB); White Earth Service Unit (HGFEC). (1) Plans, develops, and directs health programs within the framework of IHS policy and mission; (2) promotes activities to improve and maintain the health and welfare of the service population; (3) delivers quality health services with available resources; (4) coordinates service unit activities and resources with those of other governmental and non-governmental programs; (5) participates in the development and demonstration of alternative means and techniques of health services management and health care delivery; (6) provides Indian tribes and other Indian community groups with optimal means of participating in service unit programs; and (7) encourages and supports the development of individual

and tribal entities in the management of the service unit.

The Central Wisconsin Service Unit; Eastern Michigan Service Unit; Fond du Lack Service Unit; Grand Portage Service Unit; Minnesota River Service Unit; Mille Lacs Service Unit; Nett Lake Service Unit; Nicolet Service Unit; Northwestern Wisconsin Service Unit; and Western Michigan Service Unit are contracted out to tribes under Public Law 93–638 (Indian Self-Determination and Education Assistance Act).

Rhinelander Field Office (HGFE1R). (1) Provides advisory and consultative services to Wisconsin tribes regarding sanitation practices, hazardous conditions, and those physical, social and behavioral factors which affect the environment; (2) provides direction on the construction, improvement and extension of essential sanitation facilities in Indian homes and communities; (3) provides operational support for the CHS programs; (4) provides technical assistance for substance abuse development and aftercare; (5) provides technical assistance to tribal and urban programs in planning, organizing, and implementing public health programs; (6) serves as a consultant to tribes and other Indian organizations in planning, developing, organizing, administering, and evaluating service delivery efforts in health education and health promotion/disease prevention programming; (7) promotes activities to improve and maintain the health and welfare of the service population; and (8) delivers quality health services with available resources.

Under *Section HG–30, Order of Succession,* following item number (5) add: During the absence of disability of the Area Director of the Bemidji Area Office, or in the event of a vacancy in that office, the first Area official listed below who is available shall act as the Area Director, except that during a period of planned absence, the Area Director may specify a different order of succession. The order of succession will be:

(1) Area Director, Office of the Area Director.

(2) Deputy Director, Office of the Area Director.

(3) Administrative Officer, Office of Administration and Management.

(4) Associate Director, Office of Tribal Activities.

(5) Associate Director, Office of Health Programs Operations.

(6) Associated Director, Office of Environmental Health and Engineering.

Section HG–40 Delegations of Authority. Add the following new paragraph:

All delegations and redelegations of authority made to IHS Area Offices which were in effect immediately prior to this reorganization, and which are consistent with the reorganization of January 18, 1989, shall continue in effect pending further redelegation.

Dated: July 9, 1991.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 91–16928 Filed 7–15–91; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–91–3293]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Wendy Swire, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

AUTHORITY: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 9, 1991.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Study of the Election Process in Fair Housing Act Complaints.

Office: Fair Housing and Equal Opportunity.

Description of the Need for the Information and its Proposed Use: Complainants and respondents of closed Fair Housing Act cases will be interviewed by telephone to determine why either party after a charge was issued, elected the administrative or judical process to obtain relief. HUD will evaluate the data to determine the impact it might have had on the election process.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, Businesses or Other For-Profit and Small Businesses or Organizations.

Frequency of Submission: On-time.

Reporting Burden:

	Number of respodents	×	Frequency of response	×	Hours per response	=	Burden Hours
Telephone interviews	200		1		.50		100

Total Estimated Burden Hours: 100.
Status: New
Contact: Leon M. Garrett, HUD, (202) 708–2740 or Wendy Swire, OMB, (202) 395–6880.

Dated: July 9, 1991.

[FR Doc. 91–16930 Filed 7–15–91; 8:45 am]
BILLING CODE 4210–01–M

Office of the Secretary for Housing—Federal Housing Commissioner

[Docket No. N–91–3234; FR–3037–C–02]

NOFA for the Rental Voucher Program and Rental Certificate Program FY 1991; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of funding availability for FY 1991 and procedures for allocating funds and approving PHA/IHA applications; Correction.

SUMMARY: On May 29, 1991 (56 FR 24290), the Department published a notice of funding availability for incremental rental vouchers and rental certificates for HUD-established allocation areas during Fiscal Year 1991. The notice also invited Public Housing Agencies (PHAs), including Indian Housing Authorities (IHAs), to submit applications for housing assistance funds and provided instructions to PHA/IHAs governing the submission of applications, and described procedures for rating, ranking, and approving PHA/IHA applications. The purpose of this document is to publish several corrections to the May 29 notice.

DATES: Applications must be received in the HUD Field Office by 3 pm. local time on July 29, 1991.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Rental Assistance Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–0477. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Selection Criterion 1 in the May 29, 1991 NOFA, which concerns PHA/IHA administrative capability, failed to include reference to compliance with Fair Housing and Equal Opportunity program requirements. In addition, related references to fair housing and equal opportunity reviews, were omitted from the Ratings for this Selection criterion and in the provisions concerning unacceptable applications. The NOFA omitted a reference to section 504 of the Rehabilitation Act of 1973 in its listing of various Civil Rights authorities under which application processing may be denied. Finally, several component parts of the San Francisco and Sacramento, California, nonmetropolitan allocation area were mistakenly listed under San Francisco, California, metropolitan allocation area 3.

Accordingly, corrections are being made to FR Doc. 91–12555, published in the **Federal Register** on May 29, 1991 (56 FR 24290) to read as follows:

1. On pages 56 FR 24291, in the third column, and 56 FR 24292, in the first column, under the heading "(E) Selection Criteria/Ranking Factors", paragraphs (3)(a)(i) and (3)(a)(ii), are corrected to read as follows:

(E) Selection Criteria/Ranking Factors

* * * * *

(3) Applications for Families Other Than Families Living in Rental Rehabilitation Projects

(a) * * *

(i) *Description:* Overall PHA/IHA administrative ability as evidenced by factors such as leasing rates and correct administration of housing quality standards, compliance with Fair Housing and Equal Opportunity program requirements, tenant rent computation, and rent reasonableness requirements in the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs. If a PHA/IHA is not administering either a Rental Certificate, Rental Voucher, or Moderate Rehabilitation Program, the Field Office will rate PHA/IHA administration of the Public or Indian Housing Program. A PHA/IHA administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program will not be rated on the administration of its Public or Indian Housing Program.

(ii) *Rating: 16–32 Points.* Field Office rates overall PHA/IHA administration of the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs (or public housing) as excellent; there is no serious outstanding management review or fair housing and equal opportunity monitoring review; or Inspector General audit findings; and the leasing rate (or occupancy rate for public housing) for rental vouchers and rental certificates under ACC for one year was at least 95 percent as of September 30, 1990.

1–15 points: Field Office rates overall PHA/IHA administration of the Rental Voucher, Rental Certificate, and Moderate Rehabilitation Programs (or public housing) as good; any management review, fair housing and equal opportunity monitoring review, or Inspector General audit findings are being satisfactorily addressed; and the leasing rate (or occupancy rate for public housing) for rental vouchers and rental certificates under ACC for one year was at least 85 percent as of September 30, 1990;

* * * * *

2. On page 24292, in the third column, under the heading, "(F) Unacceptable Applications", paragraphs (2)(a)(iii) and (2)(b), are corrected to read as follows:

(F) Unacceptable Applications

* * * * *

(2) * * *

(a) * * *

(iii) HUD has denied application Processing under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), and the HUD title VI regulations (24 CFR 1.8) and Procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and HUD regulations (24 CFR 8.57).

(b) The PHA/IHA has serious unaddressed, outstanding Inspector General audit findings, fair housing and equal opportunity monitoring review findings, or Field Office management review findings for one or more of its Rental Voucher, Rental Certificate, or Moderate Rehabilitation Programs, or, in the case of a PHA/IHA that is not currently administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program, for its Public Housing Program or Indian Housing Program.

* * * * *

3. On page 24321, for the San Francisco, California Office, Metropolitan Area 3, the component parts of allocation area, are corrected to read:

"Marin, San Francisco, San Mateo".

4. On page 24321, for the San Francisco and Sacramento Nonmetropolitan Allocation Area, the component parts of allocation area, are corrected to read:

"California: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Nevada, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, Tuolumne.

Nevada: Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, White Pine, Carson City."

Authority: Secs. 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a. 1437c, 1437f).

Dated: July 9, 1991.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 91-16833 Filed 7-15-91; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-020-01-4351-08]

Notice of Intent To Amend the Randolph Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Amend the Randolph Management Framework Plan and the Rich County Off-Road Vehicle (ORV) Plan.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Salt Lake District, proposes to amend the Randolph Management Framework Plan of 1980 and the Rich County ORV Plan.

The BLM proposes to remove the following described lands from the A-I Open (open to all motorized vehicles year-round) category and place these lands in the B-3 Limited (limited to crucial deer, elk, and moose winter range) category. This amendment would be for all public lands within T. 7 N., R. 7 E.; T. 7 N., R. 8 E.; T. 8 N., R. 7 E.; and T. 8 N., R. 8 E., Salt Lake Meridian (SLM), for a total of 17,135 acres.

The purpose of the amendment is to protect deer, pronghorn, elk, and sage grouse during winter when harassment could cause additional stress to the animals when energy conservation is critical and to prevent the animals being chased onto private lands where depredation problems would occur.

The BLM has also planned the construction of a wildlife viewing area in section 17 of T. 8 N., R. 8 E., SLM. To facilitate the observation of wildlife at this location, the BLM proposes to close those public lands located west of Highway 16 in T. 8 N., R. 8 E., SLM, to all recreation to allow the animals to be viewed without any additional harassment. This would impact approximately 5,282 acres.

An environmental assessment will be prepared by the BLM to address any impacts of the proposed amendments. Public participation is requested to identify issues or concerns on the proposed amendments. For 30 days from the date of publication of this notice, the BLM will accept comments on this proposal to do a plan amendment.

FOR FURTHER INFORMATION CONTACT: Leon E. Berggren, Bear River Resource Area Manager, Bureau of Land Management, Salt Lake District, 2370 South 2300 West, Salt Lake City, Utah 84119, phone (801) 977-4300.

Dated: July 8, 1991.

James M. Parker,

State Director.

[FR Doc. 91-16836 Filed 7-15-91; 8:45 am]

BILLING CODE 4310-DQ-M

[UT-942-01-5700-11; UTU-54732]

Exchange of Public Lands in Carbon County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, UTU-54732, exchange of public lands in Carbon County, Utah.

SUMMARY: Notice is given that the following described parcel of public land has been examined, and through the development of local land-use planning decisions based upon public input, resource considerations, regulations, and Bureau policies, has been found to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716):

Salt Lake Meridian, Utah

T. 14 S., R. 10 E.,
Sec. 14, E2SE4 (80.0 ac.) (Surface and minerals);
Sec. 23, E2NE4NE4,S2NE4 (100.0 ac.) (Surface and minerals).

Encompassing 180.00 acres, more or less.

In exchange for these lands, the United States would acquire private lands from Carbon County, Utah described as follows:

Salt Lake Meridian, Utah

T. 13 S., R. 10 E.,
Sec. 11, SE4 (160.0 ac.) (Surface and minerals);
Sec. 14, NW4NE4, (40.0 ac.), NE4NW4 (40.0 ac.) (Surface and minerals).
T. 13 S., R. 11 E.,
Sec. 31, lot 3 (40.22 ac.), lot 4 (40.18 ac.) (Surface only).
T. 14 S., R. 11 E.,
Sec. 6, lot 4 (40.78 ac.) (Surface only);
Sec. 7, lot 1 (40.34 ac.), lot 2 (40.39 ac.) (Surface only).

Encompassing 441.91 acres, more or less.

The exchange involves surface and mineral estates. The purpose of this exchange is to acquire critical deer winter habitat. The public interest would be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize values upon completion of the final appraisal of the lands.

The public (selected) lands will be conveyed subject to the following terms and conditions:

1. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

2. The conveyance of the lands will be subject to all valid existing rights, reservations, and privileges of record which include, but are not limited to the following:

a. Federal Aid Highway Right-of-Way Appropriation UTSLO-68580;
b. Powerline right-of-way UTU-50222;
c. Telephone line right-of-way UTU-46511;
d. Water pipeline right-of-way UTU-64162;
e. Powerline right-of-way UTUO-2283;
f. Powerline right-of-way UTUO-15341;
g. Road right-of-way UTU-43056;
h. Road right-of-way UTU-46984;
i. Powerline right-of-way UTU-64649;
j. Powerline right-of-way UTU-54735;
k. Federal oil and gas lease UTU-66789.

The private (offered) lands will be acquired subject to the following terms and conditions:

1. A reservation of all minerals, as appropriate;
2. Subject to all valid existing rights.

Publication of this notice in the **Federal Register** segregates the public lands described above from the operation of the public land laws, and the mining laws, including the mineral leasing laws. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

COMMENTS: For a period of Forty-five (45) days from the date of publication of this notice **Federal Register**, interested parties may submit comments to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532. Objections will be reviewed by the Utah State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty actions will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: Additional information concerning this

action may be obtained from Mark Mackiewicz, Area Realty Specialist, Price River Resource Area, 900 North 700 East, Price, Utah 84501, (801) 637–4584, or from Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P.O. Box 970, Moab, Utah 84532, (801) 259–6111.

Dated: July 9, 1991.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 91–16854 Filed 7–5–91; 8:45 am]

BILLING CODE 4310–DQ–M

[(UT–020–01–4251–08)]

Intent To Amend the Box Elder Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend the Box Elder Resource Management Plan.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM), Salt Lake District, proposes to amend the Box Elder Resource Management Plan (RMP) to include and direct the management of three sections of land which were acquired through the APTUS Exchange of 1989. These lands are located in sections 19, 29, and 31 of Township 10 North, Range 4 West, Salt Lake Meridian (SLM), for a total of 1,920 acres.

These lands are within the State-managed Public Shooting Grounds Waterfowl Management Area and border BLM-administered lands managed under the Box Elder RMP and the Blue Springs Habitat Management Plan.

In order to manage these lands in a manner consistent with the goals and objectives of these two plans, the following is proposed:

Decision 4 of the range program relates to forage allocation for livestock. It is proposed that no forage would be allocated for livestock in these sections in order to protect the important wildlife habitat in this area. Livestock use could be authorized if such use could be shown to contribute to the achievement of the goals and objectives for management of the lands involved.

Decision 1 of the recreation program designates all of the public land within Box Elder County into categories of Open, Limited, or Closed to motorized vehicle use. It is proposed that the three sections be included in the Closed category with the exception of BLM personnel on official business. This would increase the number of acres of public lands closed to ORV use to 5,727 acres.

The BLM also proposes to close these lands to recreational use during the months of March through June of each year. The above described amendments are proposed to facilitate the management of these lands as waterfowl and shorebird habitat and improve or maintain the integrity of these lands for use by the peregrine falcon.

An environmental assessment will be prepared by the BLM to address any impacts of the proposed amendments. Public participation is requested to identify issues or concerns on the proposed amendments. For 30 days from the date of publication of this notice, the BLM will accept comments on this proposal to do a plan amendment.

FOR FURTHER INFORMATION CONTACT: Leon E. Berggren, Bear River Resource Area Manager, Bureau of Land Management, Salt Lake District, 2370 South 2300 West, Salt Lake City, Utah 84119, phone (801) 977–4300.

Dated: July 8, 1991.

James M. Parker,

State Director.

[FR Doc. 91–16836 Filed 7–15–91; 8:45 am]

BILLING CODE 4310–DQ–M

Minerals Management Service

Information Collection Submitted for Review

A revision of the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the revision of the information collection requirement and related explanatory material may be obtained by contacting Jeane Kalas at (303) 231–3046. Comments and suggestions should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget, Paperwork Reduction Project (1010–0075), Washington, DC 20503, telephone (202) 395–7340.

Title: Gas Transportation and Processing Allowances.

OMB Approval Number: 1010–0075.

Abstract: Gas product valuation regulations governing the determination of value of gas sold under arm's-length percentage of proceeds (POP) contracts have been amended. The amendent will eliminate the need for the submission of page 1 of Form MMS–4109 by lessees with gas sales under arm's length POP contracts. A revised information collection supporting statement has been submitted to OMB reducing the estimated public reporting burden.

Bureau Form Numbers: MMS–4109, MMS–4295.

Frequency: Annually, or when contracts are changed or terminated.

Description of Respondents: Gas product companies.

Estimated Completion Time: Average, 3 hours.

Annual Responses: 4,788.

Annual Burden Hours: 14,027.

Bureau Clearance Officer: Dorothy Christopher (703) 787–1239.

Dated: March 4, 1991.

Lucy R. Querques,

Acting Associate Director for Royalty Management.

[FR Doc. 91–16808 Filed 7–15–91; 8:45 am]

BILLING CODE 4310–MR–M

Office of Environmental Affairs

Draft Report to Congress

AGENCY: Office of Environmental Affairs, Interior.

ACTION: Notice of availability of draft report to Congress.

SUMMARY: The draft version of a report to Congress, required by section 8302 of the Oil Pollution Act of 1990, Public Law 101–380, is now available for public review from the contact listed below in "Address." Topics covered in the report have been identified below in "Supplementary Information."

DATES: Comments will be accepted through August 15, 1991.

ADDRESSES: Written comments should be submitted to Mr. Paul Gates, U.S. Department of the Interior, Office of Environmental Affairs, ATTN: Section 8302 Report, 1689 C Street, room 119, Anchorage, AK 99501–5126.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Gates, U.S. Department of the Interior, Anchorage, AK at 907–271–5011 (telephone) or 907–271–4102 (telefax).

SUPPLEMENTARY INFORMATION: Section 8302 of the Oil Pollution Act of 1990, Public Law 101–380, directs the Secretary of the Interior, in consultation with the Governor of Alaska, to conduct a study of the issues associated with the recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean and to transmit a report to the Congress on the study's findings and conclusions.

The Act recognizes that potential sources of oil pollution in the Beaufort and Chukchi Seas include transshipment of Canadian oil via tankers, and exploration, development, production,

and transportation activities on Outer Continental Shelf lease areas. The Act further recognizes that both the Beaufort and Chukchi Seas are important to Alaskan Natives for subsistence resources and that an oil spill, if not properly contained and removed, could significantly affect those resources.

The study area of the report is defined as the Canadian and American Beaufort Seas and Chukchi Sea and Alaskan Native communities in the North Slope Borough, the Northwest Arctic Borough down to, and including, Cape Prince of Wales. The report, which is based on existing information and extensive consultation with appropriate parties, summarizes Alaskan Native concerns regarding oil spills, oil-spill cleanup activities, and the recovery of damages from oil spills in the study area. The report also summarizes the following information for the study area:

- Characteristics of the natural and physical environment that are important considerations in oil-spill-contingency planning and oil-spill responses;
- The location and population of Alaskan Native communities, subsistence species harvested by study-area residents, the importance of those subsistence resources to the residents, and relevant subsistence laws;
- Existing and planned exploration, development, production, and transportation activities, facilities, and vessels;
- Environmental evaluation processes for proposed crude-oil exploration, development, production, and transportation, activities, facilities, and vessels;
- Public-sector oil-spill-prevention regulations;
- Public- and private-sector oil-spill-contingency-plan requirements and existing international, bilateral, national, state and local contingency plans/coordinated actions related to crude-oil activities, facilities, and vessels;
- Private-sector contingency plans for study area crude-oil activities and facilities;
- Existing Canadian and U.S. oil-spill-response organizations with primary responsibility for responding to an oil spill;
- Response actions based on four generalized oil-spill scenarios;
- Existing and planned research on oil-spill-prevention and response technologies applicable to the Arctic; and
- International, Canadian, U.S. national, and State of Alaska legal regimes available to Alaskan Natives to recover damages for injuries related to the lost use of subsistence resources arising from an oil-pollution incident.

The report concludes by identifying issues and findings related to contingency planning/coordinated actions and the recovery of damages.

Dated: July 11, 1991.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 91-16838 Filed 7-15-91; 8:45 am]

BILLING CODE 4310-RGM

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31906]

Arkansas Louisiana & Mississippi Railroad Co.—Acquisition and Operation Exemption—Arkansas & Louisiana Missouri Railway Co.; Exemption

Arkansas Louisiana & Mississippi Railroad Company (AL&M), a noncarrier, has filed a notice of exemption to acquire and operate approximately 52.5 miles of rail line owned by Arkansas & Louisiana Missouri Railway Company. The line being acquired extends between milepost 0.0, at Monroe, LA, and milepost 52.5, at Crossett, AR.

This transaction is related to a petition for exemption filed concurrently by Georgia Pacific Corporation (GP) in Finance Docket No. 31907, Georgia Pacific Corporation—Continuance in Control Exemption—Arkansas Louisiana & Mississippi Railroad Company. That petition seeks an exemption from the requirements of 49 U.S.C. 11343–11344 for GP to continue to control AL&M upon the latter's becoming a rail carrier.

Any comments must be filed with the Commission and served on: D. Eugenia Langan, Shea & Gardner, 1800 Massachusetts Ave., NW., Washington, DC 20036.

AL&M shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.[1]

[1] AL&M has certified that it complied with the notice requirements of 49 CFR 1105.11 and identified to the appropriate State Historic Preservation Officers all sites and structures 50 years old and older that will be transferred as a result of this transaction.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petition to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 10, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-16906 Filed 7-15-91; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30186 (Sub-No. 2)]

Tongue River Railroad Co.—Rail Construction and Operation—Ashland to Decker, MT

AGENCY: Interstate Commerce Commission.

ACTION: Notice accepting construction application.

SUMMARY: The Commission is accepting for consideration the application filed June 28, 1991, by Tongue River Railroad Company (TRR). TRR proposes to construct and operate a 40.3-mile rail line between a termination point in Rosebud County, MT, near Ashland, MT, (the Ashland terminus) to southeastern Montana, near Decker, MT, (the Decker terminus). The proposed line will connect with TRR's yet-to-be constructed line between Miles City, MT, and the Ashland terminus. [The construction of the Miles City-Ashland line and a line from Miles City to Otter Creek was approved in Finance Docket No. 31086, Tongue River Railroad Company—Rail Construction and Operation (not printed), decision served May 9, 1986 (1986 Decision).] At the Decker terminus, the line will adjoin operating coal mines and will link to connections with the East and West Decker Mines and with a private rail line owned by Spring Creek Coal Company (NERCO).

The line will serve the Spring Creek and Decker mines, and handle some tonnage currently transported by Burlington Northern Railroad Company from Gillette, WY. TRR will transport low sulfur, sub-bituminous coal, primarily to electric utilities in the Midwest. Commodities other than coal may be hauled on the railroad.

Subsequent to the comment period, the Commission will determine if a hearing is necessary. A hearing may be either oral or through statements.

DATES: (1) Comments (10 copies) must be filed by August 2, 1991, and concurrently served on applicant's representatives. Each comment must contain the basis for the party's position either in support or opposition to the application. (2) Applicant may reply by August 7, 1991.

ADDRESSES: Send an original and 10 copies of all documents to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 30186 (Sub-No. 2), Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy to each of applicants' representatives: W.H. Bellingham, Esq., Moulton, Bellingham, Longo & Mather, P.O. Box 2559, Billings, MT 59103–2559, FAX: (406) 248–7889. David M. Schwartz, Esq., Robert L. Calhoun, Esq., Sullivan & Worcester, 1025 Connecticut Ave., NW., Washington, DC 20036, FAX: (202) 293–2275.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245; (TTD for hearing impaired: (202) 275–1721).

Decided: July 10, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–16907 Filed 7–15–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on May 14, 1991, Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
3,4-methylenedioxyamphetamine (MDA) (7400)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, attention: DEA Federal Register Representative (CCR), and must be filed no later than August 15, 1991.

Dated: July 8, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91–16809 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on April 18, 1991, Radian Corporation, P.O. Box 201088, 8501 Mopac Blvd., Austin, Texas 78759, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
3,4-methylenedioxamphetamine (MDA) (7400)	I
3,4-methylenedioxymethamphetamine (MDMA) (7405)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Phencyclidine (7471)	II
Methadone (9250)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than August 15, 1991.

Dated: July 8, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91–16810 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedules I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 20, 1991, Research Biochemicals, Inc., One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Ibogaine (7260)	I
Tetrahydrocannabinols (7370)	I
Bufotenine (7433)	I
Dimethyltryptamine (7435)	I
Etorphine (Except HCl) (9056)	I
Methylphenidate (1724)	II
Etorphine Hydrochloride (9059)	II
Metazocine (9240)	II
Methadone (9250)	II
Fentanyl (9801)	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR),

and must be filed no later than August 15, 1991.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import the basic classes of any controlled substances, in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: July 8, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 91–16811 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on March 8, 1991, Warner-Lambert Company, 188 Howard Avenue, Holland, Michigan 49423, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Dextropropoxyphene, bulk (non-dosage forms) (9273).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than August 15, 1991.

Dated: July 8, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91–16812 Filed 7–15–91; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 1991.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 26, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 1st day of July 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Aeroquip Corp, Air Conditioning Div (CO)	Heber Springs, AR	07/01/91	06/19/91	25,988	Air and Refrigeration Parts
Airshield Corp (CO)	Bridgeport, CT	07/01/91	06/12/91	25,989	Fiberglass Truck Parts
Alton Shoe Co (CO)	Farmington, NH	07/01/91	06/10/91	25,990	Womens Shoes
Cartex (Wkrs)	Addison, IL	07/01/91	06/18/91	25,991	Polyurethane Foam
Consultants and Designers, Inc (CO)	Broomfield, CO	07/01/91	06/17/91	25,992	Contract Personnel Services
Evan Picone, Inc (Skirt Div.) ILGWU	North Bergen, NJ	07/01/91	06/20/91	25,993	Ladies Sportswear
Fina Oil and Chemical Company (Wkrs)	Abilene, TX	07/01/91	06/17/91	25,994	Motor Oil
Fischer and Porter Co (Wkrs)	Warminster, PA	07/01/91	06/21/91	25,995	Measurement Devices
Fischer and Porter Co. (Wkrs)	Southampton, PA	07/01/91	06/21/91	25,996	Measurement Devices
General Instrument Corp (Wkrs)	Tucson, AZ	07/01/91	06/13/91	25,997	Communication Equipment
GTE Sylvania (Wkrs)	Danvers, MA	07/01/91	06/19/91	25,998	Light Bulbs
Hansley Industries (Wkrs)	West Columbia, SC	07/01/91	06/11/91	25,999	Mens, Womens, Childrens Shorts
Hansley Industries (Wkrs)	Bowman, SC	07/01/91	06/11/91	26,000	Mens, Womens, Childrens Shorts
Hensley Enterprises (Wkrs)	Sweetwater, TN	07/01/91	06/11/91	26,001	Mens, Womens, Childrens Shorts
Packriver Woodworking, Inc. (Wkrs)	Sandpoint, ID	07/01/91	06/21/91	26,002	Doors and Windows
Q2 Exploration, Inc (Wkrs)	Denver, CO	07/01/91	06/21/91	26,003	Oil and Gas
Robertshaw Controls (Wkrs)	Youngwood, PA	07/01/91	06/19/91	26,004	Control Units
San Juan County Mining Venture (Wkrs)	Silverton, CO	07/01/91	06/17/91	26,005	Gold, Silver, Lead, Zinc
Santa Fe Minerals, Inc. (CO)	Middletown, CA	07/01/91	07/01/91	26,006	Oil and Gas
Santa Fe Minerals, Inc. (CO)	Tyrone, OK	07/01/91	07/01/91	26,007	Oil and Gas
Santa Fe Minerals, Inc. (CO)	Ft. Smith, AR	07/01/91	07/01/91	26,008	Oil and Gas
Santa Fe Minerals, Inc. (CO)	Live Oak, CA	07/01/91	07/01/91	26,009	Oil and Gas
Sheldahl, Inc ACTWU	Northfield, MN	07/01/91	06/12/91	26,010	Electronic Switches
Sweda Group, Inc. (Wkrs)	Irving, TX	07/01/91	06/18/91	26,011	Electronic Cash Registers
Timely Products Corp (Wkrs)	Stratford, CT	07/01/91	06/21/91	26,012	Socks
USS Fairless Works (USWA)	Fairless Hills, PA	07/01/91	06/17/91	26,013	Pipe, Tubular Products

APPENDIX—Continued

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Walls Industries, Inc (CO)	Snyder, TX	07/01/91	06/19/91	26,014	Insulated Coveralls
Warner Electric Brake & Clutch Co. (USWA).	South Beloit, IL	07/01/91	06/13/91	26,015	Brakes and Clutches
Wyman-Gordon Co (UAW)	Jackson, MI	07/01/91	06/20/91	26,016	Diesel Crankshafts

[FR Doc. 91–16897 Filed 7–15–91; 8:45 am]
BILLING CODE 4510–13–M

[TA–W–24,773]

CNG Development Company, Pittsburgh, PA; Negative Determination on Reconsideration

By Order dated May 9, 1991, the United States Court of International Trade (USCIT) in *Former Employees of CNG Development Company* v. *U.S. Secretary of Labor* (USCIT 90–12–00655) remanded this case to the Department for further investigation.

Investigation findings show that the subject firm had increased sales, in quantity, of natural gas in 1989 compared to 1988. The findings, however, show a slight decline in sales for the first eight months of 1990 compared to 1989.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. This test is generally demonstrated by a survey of the workers 'firm' customers. The Department surveyed the subject firm's major declining customers in the first eight months of 1990 compared to the same period in 1989. The survey showed that none of the customers imported natural gas.

The Department requested the remand in order to obtain the subject firm's crude oil sales and survey the major declining customers for imported crude oil purchases.

New findings on reconsideration show that natural gas sales increased in 1989 and 1990 compared to the immediately preceding years. Crude oil sales declined very slightly in 1989 compared to 1988 and remained approximately the same in 1990 compared to 1989. Crude oil sales were negligible when compared to natural gas sales in 1989 and 1990. Accordingly, given the increased natural gas sales and negligible crude oil sales compared to total sales and their slight decline, any increased import purchases of crude oil by the subject firm's customers would not provide a sufficient basis for a worker group certification. Further, on reconsideration the Department surveyed the major declining customers and found that none imported crude oil in 1988, 1989 or in 1990.

The CNG Development Company ceased business at the end of 1990 because of an in-house corporate merger brought about by excess production in the industry and falling natural gas prices. In June 1991, natural gas futures contract prices were at their lowest level in more than a year. Since the reorganization, all exploration and development is handled through the CNG Producing Company in New Orleans.

To summarize then, the new findings show increased sales of natural gas in 1989 and 1990 compared to the immediately preceding years and crude oil sales were negligible in 1989 and 1990. The Department's survey showed that none of the major declining customers imported crude oil or natural gas. The closure of CNG Development Company was the result of an in-house corporate merger brought about by excess industry production and falling prices.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to former workers of CNG Development Company, Pittsburgh, Pennsylvania.

Signed at Washington, DC, this 8th day of July 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91–16898 Filed 7–15–91; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–25,538]

North Star Steel Pennsylvania, Milton, PA; Negative Determination Regarding Application for Reconsideration

By an application dated June 11, 1991, District 9 of the United Steelworkers of America requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on May 7, 1991 and published in the **Federal Register** on May 30, 1991 (56 FR 24414).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances: (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous; (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The investigation findings show that the workers produced rebars. All production workers were laid off in February 1991.

The Department's denial was based on the fact that the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. U.S. imports of reinforcing bars decreased absolutely and relative to domestic shipments in 1989 compared to 1988 and in 1990 compared to 1989.

The union claim's that U.S. imports of hot rolled steel declined only slightly from 1988 to 1990. This claim would not serve as a basis for a worker group certification since it represents neither rebar imports nor an increase in imports of a like or directly competitive product.

In order for a worker group to become certified eligible to apply for adjustment assistance it must meet all three of the Group Eligibility Requirements of the Trade Act—including an increase in imports "contributing importantly" to worker separations and declines in sales or production. Failure to meet the increased import criterion would prevent the certification of the petitioning worker group.

Workers at Milton were laid off because the plant is in the process of modernizing. Company officials stated several reasons for the 1991 layoffs—all were the result of non trade factors.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of

Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 9th day of July 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91–16899 Filed 7–15–91; 8:45 am]

BILLING CODE 4510–30–M

[Employment and Training Order No. 2–91]

Trade Adjustment Assistance Program; Designation of Certifying Officers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of designation of certifying officers.

SUMMARY: The trade adjustment assistance program operates under the Trade Act of 1974 to furnish program benefits to domestic workers adversely affected in their employment by imports of articles which are like or are directly competitive with articles produced by the firm employing the workers. Workers become eligible for program benefits only if they are certified under the Act as eligible to apply for adjustment assistance. From time to time the agency issues an Order designating officials of the agency authorized to act as certifying officers. Employment and Training Order No. 2–91 was issued to revise the listing of officials designated as certifying officers, superseding the previous Order. Employment and Training Order No. 2–91 is published below.

Signed at Washington, DC, on July 9, 1991.

Roberts T. Jones,

Assistant Secretary of Labor.

Directive: Employment and Training Order No. 2–91

To: National and Regional Offices

From: Roberts T. Jones, Assistant Secretary of Labor

Subject: Trade Adjustment Assistance Program (Trade Act of 1974—Designation of Certifying Officers

Date: July 9, 1991.

1. *Purpose.* To designate certifying officers to carry out functions required for the worker adjustment assistance program under the Trade Act of 1974 and the certification regulation in the Code of Federal Regulations at title 29, part 90.

2. *Directives Affected.* Employment and Training Order No. 1–87, June 22, 1987 (52 FR 23904), is superseded.

3. *Background.* Persons designated as certifying officers are vested with certain authority and assigned responsibilities under the Trade Act of 1974 and 29 CFR part 90. Such authority and responsibilities particularly include making determinations and issuing certifications with respect to the eligibility of groups of workers to apply for adjustment assistance under the Act and the program benefit regulations at 20 CFR part 617. The Secretary of Labor's Order 3–81, June 1, 1981 (46 FR 31117) delegated authority and assigned responsibility to the Assistant Secretary for Employment and Training for coordinating, monitoring, and insuring that the functions of the Secretary of Labor under the Trade Act of 1974, are carried out, including but not limited to * * * "(d)eveloping and promulgating program performance standards relating to the conduct of certification investigations, public hearings, issuance of notice of certification decisions, delivery of program benefits, and other processes involved in the administration of the trade adjustment assistance program * * * (and) * * * (d)etermining eligibility of groups of workers to apply for adjustment assistance * * *."

4. *Designation of Officials.* By virtue of the authority vested in me by Secretary's Order 3–81, the following officials of the Employment and Training Administration, United States Department of Labor, are hereby designated as certifying officers for the trade adjustment assistance program:

a. Assistant Secretary for Employment and Training.

b. Administrator, Office of Work-Based Learning (OWBL).

c. Executive Director, Federal Committee on Apprenticeship, OWBL.

d. Director, Office of Worker Retraining and Adjustment Program, OWBL.

e. Director, Unemployment Insurance Service (UIS).

f. Director, Office of Program Management, UIS.

g. Director, Office of Legislation and Actuarial Services, UIS.

h. Deputy Director, Office of Legislation and Actuarial Services, UIS.

i. Director, Office of Trade Adjustment Assistance (OTAA).

j. Deputy Director, Office of Trade Adjustment Assistance (OTAA).

The foregoing designated certifying officers are delegated authority and assigned responsibility, subject to the general direction and control of the Assistant Secretary and Deputy Assistant Secretaries of the Employment and Training Administration and the Director and Deputy Director of the Office of Trade Adjustment Assistance, to carry out the duties and functions of certifying officers under the Trade Act of 1974 and 29 CFR part 90.

5. *Effective date.* This Order is effective on date of issuance.

[FR Doc. 91–16900 Filed 7–15–91; 8:45 am]

BILLING CODE 4510–30–M

New Interpretation for Filing and Paying Trade Readjustment Allowances and Disaster Unemployment Assistance

The Department of Labor has reinterpreted the filing, issuance of determinations, and payment requirements for eligible individuals to Trade Readjustment Allowances (TRA) and Disaster Unemployment Assistance (DUA) program benefits.

The TRA program is governed by the provisions of chapter 2 of title II of the Trade Act of 1974, as amended and prescribed in regulations at 20 CFR part 617. DUA is governed by section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and prescribed in regulations at 20 CFR part 625.

The following program directive (Unemployment Insurance Program Letter No. 29–91) is issued to inform the States and cooperating State agencies of the change in the Department's interpretation. The directive is effective on June 10, 1991.

Signed at Washington, DC, on July 9, 1991.

Roberts T. Jones,

Assistant Secretary of Labor.

Directive: Unemployment Insurance Program Letter No. 29–91.

To: All State Employment Security Agencies.

From: Donald J. Kulick, Administrator for Regional Management.

Subject: Trade Readjustment Allowances (TRA) and Disaster Unemployment Assistance (DUA) Filing Requirements for Incapacitated or Deceased Claimants.

Date: June 10, 1991.

1. *Purpose.* To inform the States and cooperating State Employment Security Agencies (SESAs) about supplemental operating instructions involving the taking of TRA or DUA claims filed by an authorized legal representative of an incapacitated or deceased claimant, the issuance of determinations of entitlement on such claims, and, if appropriate, the making of payments on such claims.

2. *References.* Chapter 2 of title II of the Trade Act of 1974, as amended; section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 100–707); Trade Adjustment Assistance program regulations at 20 CFR part 617; and DUA program regulations at 20 CFR part 625.

3. *Background.* Section 231(a) of the Trade Act of 1974 provides for the payment of TRA to an adversely affected worker covered by a certification who files for such allowance for a week of unemployment if certain eligibility requirements are met. In the past the Department has literally interpreted the TRA filing requirement to mean that only the adversely affected worker, not an authorized legal representative, could file for TRA benefits. Consequently, claims filed by an authorized legal representative for retroactive weeks of TRA eligibility were denied because such claim did not meet the requirements of section 231(a) of the Act.

4. *Changes to the Operating Instructions.* The Department has reviewed its interpretation regarding the filing of TRA claims and the payment of TRA benefits to an authorized legal representative of the claimant. The Department now interprets the meaning of section 231(a) of the Act to permit the filing of TRA claims (and the payment of TRA for eligible weeks) by an authorized

legal representative of the claimant. The Department has included the DUA program in its new interpretation because the issues involved in the DUA program closely parallel those in the payment of TRA.

Two questions are appropriate in resolving the issue:

(1) Who has the legal authority to file a TRA or a DUA claim?

(2) May a claimant be determined entitled and eligible for TRA or DUA benefits if such claim is filed by an authorized legal representative?

The right to file a claim for TRA or DUA benefits cannot be denied to any individual, even if the individual is filing through an authorized legal representative, including the executor/executrix of the estate or an authorized legal representative filing on behalf of a claimant who may have been declared incompetent or incapacitated by the appropriate legal forum. The issue to be addressed is whether to approve such claim, thereby granting or denying TRA or DUA benefits to an otherwise eligible claimant through the authorized legal representative.

The status of an authorized legal representative is governed by the laws of each State. Accordingly, a TRA or DUA claim filed on behalf of an incapacitated or a deceased claimant may be filed by an individual who, under the laws of the applicable State, has the status of an authorized legal representative of the incapacitated or deceased claimant. In such a case, the legal representative of the claimant is authorized to file for TRA or DUA benefits under section 231(a) of the Trade Act for TRA and 20 CFR 625.8 for DUA regardless of the applicable State unemployment insurance (UI) law filing requirements. The TRA and DUA filing requirements of section 231(a) of the Trade Act of 1974 and 20 CFR 625.8 are not affected by any filing requirement contained in State UI law.

A claim for TRA or DUA benefits shall be adjudicated according to the applicable provisions of the Federal law and regulations referenced in section 2 of this directive after such claim has been filed by either a claimant or the claimant's authorized legal representative. The only issue to consider is whether the claimant met the eligibility requirements during the period following the separation from adversely affected employment (TRA) or unemployment caused by a major disaster (DUA) and before the event leading to the establishment of the authorized legal representative status (hereafter referred to as the event).

If the claimant met the TRA or DUA qualifying requirements and the weekly eligibility requirements after separation from employment and prior to the event, TRA or DUA shall be paid to the applicant for the week(s) that the claimant met the TRA or DUA eligibility requirements. As a condition for retroactive TRA or DUA payment to the authorized legal representative of the claimant or the estate, the SESA shall request some objective evidence about the claimant's unemployment, ableness for employment, and availability for employment during each week claimed. SESAs are in the best position to determine the objective evidence necessary to adjudicate such claims.

Eligibility for retroactive weeks relates back to the claimant's situation with respect to each such week, and on a weekly basis, such eligibility is or is not established. Any eligibility established (or not established), as determined at the conclusion of each such week, is not altered by the occurrence of subsequent events, such as death or incapacity, which may affect eligibility to future benefits. Furthermore, the fact that determinations with respect to the retroactive weeks are made after the event does not alter the claimant's eligibility to benefits for any retroactive weeks in which the claimant met the TRA or DUA eligibility requirements prior to the event.

5. *Action Require.* Administrators are requested to:

a. Distribute this information to appropriate staff; and

b. Review their records and issue redeterminations consistent with State law redetermination authority as provided in 20 CFR 617.50 and .51 for TRA and 20 CFR 625.9 and .10 for DUA in cases where a denial of TRA or DUA benefits was issued based under previous interpretation of the filing requirements for TRA or DUA claims.

6. *Inquiries.* SESAs are to direct all inquiries to the appropriate ETA Regional Office.

[FR Doc. 91–16901 Filed 7–15–91; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments; Correction

AGENCY: National Archives and Records Administration, Office of Records Administration.

SUMMARY: No June 24, 1991, at 56 FR 28777, NARA published a notice of pending records schedules covering records scheduled for destruction. Pending schedule 26, which appeared on page 28778, cited an incorrect location for the records. That item should read: "26. National Aeronautics and Space Administration, Goddard Flight Center (N1–255–91–11). Experimenter data tapes for International Satellite for Ionospheric Studies (ISIS–2), 1971–1978.".

Dated: July 9, 1991.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 91–16860 Filed 7–15–91; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its eleventh meeting on July 31, 1991, and August 1, 1991, for the purpose of conducting a business meeting. The Commission was established by Public Law 100–297, April 28, 1988.

DATE, TIME, AND PLACE: Wednesday, July 31, 1991, 8:30 a.m. to 4 p.m., Holiday Inn Capitol, Columbia South Room, 550 C Street, SW., Washington, DC; Thursday, August 1, 1991, 8:30 a.m. to 4 p.m., 2257 Rayburn House Office Building, Washington, DC.

STATUS: Open—public.

AGENDA: Presentations will be provided by Dr. Christine Rossell on bilingual education and a member of the National Education Goals Panel on "America 2000." The remainder of time will be devoted to discussion on the Commission's mandated issues.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492–5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 91–16880 Filed 7–15–91; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber Music/Solo Recitalist/New Music Presenters Section) to the National Council on the Arts will be held on August 6–7, 1991 from 9 a.m.–5:30 p.m. and August 8 from 9a.m.–5 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on August 8 from 3 p.m.–5 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on August 6–7 from 9 a.m.–5:30 p.m. and August 8 from 9 a.m.–3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 5, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6)

and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is an full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC. 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: July 9, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–16861 Filed 7–15–91; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Media Arts Challenge III Section) to the National Council on the Arts will be held on August 7, 1991 from 9 a.m.–5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–10 a.m. and 4:30 p.m.–5:30 p.m. The topics will be welcoming remarks and introductions, overview of Challenge III, and policy discussion.

The remaining portion of this meeting from 10 a.m.–4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 5, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussion at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: July 9, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–16862 Filed 7–15–91; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Museum Challenge III Section) to the National Council on the Arts will be held on August 9, 1991 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–10 a.m. and 4:30 p.m.–5:30 p.m. The topics will be welcoming remarks and introductions, overview of Challenge III, and policy discussion.

The remaining portion of this meeting from 10 a.m.–4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 5, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: July 9, 1991.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–16863 Filed 7–15–91; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management

and Budget (OMB) for review the following Proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of Submission, new, revision, or extension: Revision.

2. Title of the information collection: 10 CFR part 25—Access Authorization for Licensee Personnel.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Nuclear facility licensees and other organizations requiring access to NRC classified information.

6. An estimate of the number of responses: 50.

7. An estimate of the total number of hours needed to complete the requirement or request: .6 per response; 30 total.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: 10 CFR part 25—licensees and other organizations are required to provide information to ensure that an adequate level of assurance is provided that licensee personnel with access to NRC classified information and material continue to remain eligible for such access.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0046), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 9th day of July, 1991.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior, Official for Information Resources Management.

[FR Doc. 91–16891 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

Entergy Operations, Inc., et al.; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Entergy Operations, Inc., et al. (the licensee) for an amendment to Facility Operating License No. NPF–29, issued to the licensee for operation of the Grand Gulf Nuclear Station, Unit No. 1, located in Claiborne County, Mississippi. A Notice of Consideration of Issuance of this amendment was not published in the **Federal Register.**

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) by deleting a surveillance requirement for the flow biased simulated thermal power reactor scram instrumentation.

The NRC staff has concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated July 10, 1991.

By August 15, 1991, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Winston and Strawn, 1400 L Street NW., 12th Floor, Washington, DC 20005–3502, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1991, and (2) the Commission's letter to the licensee dated July 10, 1991.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW, Washington, DC, and at the Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi. A copy of item (2) may be obtained upon request addressed in the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, MD, this 10th day of July 1991.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Director, Project Directorate IV–1, Division of Reactor Projects III, IV, and V, Office of Nuclear Reactor Regulation.

[FR Doc. 91–16892 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322–OLA; ASLBP No. 91–621–01–OLA]

Long Island Lighting Co.; Appointment of Alternate Atomic Safety and Licensing Board Member Pursuant to 10 CFR 2.721

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and § 2.721 of the Commission's regulations, as amended, and pursuant to the Statement of Policy on Conduct of Licensing Proceedings, 13 N.R.C. 452 (1981), an Alternate Member is appointed to the Atomic Safety and Licensing Board already established to preside in this licensing proceeding.

Long Island Lighting Company

Shoreham Nuclear Power Station, Unit 1
Facility Operating License No. NPF–82

This action is taken pursuant to 10 CFR 2.721(b) because it is anticipated that it may become necessary, for reasons of panel resource management, to reconstitute this Licensing Board in the future.

The Alternate Member of this Licensing Board is:

Thomas S. Moore, Alternate Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

Issued at Bethesda, MD, this 8th day of July 1991.

[FR Doc. 91–16885 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322–OLA–2; ASLBP No. 91–631–03–OLA–2]

Long Island Lighting Co.; Appointment of Alternate Atomic Safety and Licensing Board Member Pursuant to 10 CFR 2.721

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and § 2.721 of the Commission's regulations, as amended, and pursuant to the Statement of Policy on Conduct of Licensing Proceedings, 13 N.R.C. 452 (1981), an Alternate Member

is appointed to the Atomic Safety and Licensing Board already established to preside in this licensing proceeding.

Long Island Lighting Company

Shoreham Nuclear Power Station, Unit 1
Facility Operating License No. NPF–82
(Possession Only License)

This action is taken pursuant to 10 CFR 2.721(b) because it is anticipated that it may become necessary, for reasons of panel resource management to reconstitute this Licensing Board in the future.

The Alternate Member of this Licensing Board is:

Thomas S. Moore, Alternate Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

Issued at Bethesda, MD, this 8th day of July 1991.

[FR Doc. 91–16886 Filed 7–15–91; 8:45 am]

BILLING CODE 7950–01–M

[Docket No. 50–322–OLA–3; ASLBP No. 91–642–10–OLA–3]

Long Island Lighting Co.; Appointment of Alternate Atomic Safety and Licensing Board Member Pursuant to 10 CFR 2.721

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and § 2.721 of the Commission's regulations, as amended, and pursuant to the Statement of Policy on Conduct of Licensing Proceedings, 13 N.R.C. 452 (1981), an Alternate Member is appointed to the Atomic Safety and Licensing Board already established to preside in this licensing proceeding.

Long Island Lighting Company

Shoreham Nuclear Power Station, Unit 1
Facility Operating License No. NPF–82
(License Transfer)

This action is taken pursuant to 10 CFR 2.721(b) because it is anticipated that it may become necessary, for reasons of panel resource management to reconstitute this Licensing Board in the future.

The Alternate Member of this Licensing Board is:

Thomas S. Moore, Alternate Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

Issued at Bethesda, MD, this 8th day of July 1991.

[FR Doc. 91–16887 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–440–A and 50–346–A; ASLBP No. 91–644–01–A]

Ohio Edison Co., Cleveland Electric Illuminating Co. and Toledo Edison Co.; (Perry Nuclear Power Plant, Unit 1 Davis-Besse Nuclear Power Station, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (Perry Nuclear Power Plant, Unit 1, and Davis-Besse Nuclear Power Station, Unit 1), Docket Nos. 50–440–A and 50–346–A, is hereby reconstituted by appointing Administrative Judge G. Paul Bollwerk, III, in place of Administrative Judge John H. Frye, III, who is unable to serve because of schedule conflict.

As reconstituted the Board is comprised of the following Administrative Judges:

Marshall E. Miller, Chairman
Charles Bechhoefer
G. Paul Bollwerk, III

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

G. Paul Bollwerk, III, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

Issued at Bethesda, MD, this 8th day of July 1991.

[FR Doc. 91–16888 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 116 to Facility Operating License No. DPR–54, issued to Sacramento Municipal Utility District (SMUD) (the licensee), which revised paragraph 2.C.(3) of the license for operation of the Rancho Seco Generating Station (the facility) located in Sacramento County, California. The amendment was effective as of the date of its issuance.

The amendment revised paragraph 2.C.(3) to the Rancho Seco license allowing reduction of the Rancho Seco Physical Security requirements, such as, vital areas and equipment, systems and procedures, and the number of required armed responders. These Rancho Seco physical security requirement reductions were determined to be acceptable for a nuclear facility that is in a shutdown and permanently defueled condition, such as, Rancho Seco.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on September 21, 1990 (55 FR 38885). No comments or requests for a hearing were received.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the Environmental Assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action, see (1) the application for amendment dated August 20, October 22, 1990, and supplemented by letters dated March 27 and April 24, 1991, the supplemental letters did not change the original intent of the application request and did not affect the staff's original no significant hazards determination), (2) Amendment No. 116 to Facility Operating License No. DPR–54, and (3) the Commission's related Safety

Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room located at the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Advanced Reactors.

Dated at Rockville, Maryland this 5th day of July 1991.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 91–16890 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District, (Rancho Seco Nuclear Generating Station); Exemption

Sacramento Municipal Utility District (Smud or the licensee) is the holder of Facility Operating License No. DPR–54, which authorizes operation of Rancho Seco Nuclear Generating Station (the facility) at steady state reactor power level not in excess of 2,772 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a pressurized water reactor located at the licensee's site in Sacramento County, California and is currently defueled.

II

By letters dated August 20 and October 22, 1990, the licensee requested as exemption concerning safeguards requirements of 10 CFR 73.55 and appendix B and C of part 73.55. The requirements of 10 CFR 73.55 were designed to provide for on-site physical protection systems to guard against a design basis threat of radiological sabotage of special nuclear material. Appendices B and C delineate the requirements for security personnel and licensee safeguards contingency plans respectively, associated with the protection against the design basis threat.

III

The licensee's proposed action would relieve Rancho Seco of certain requirements of 10 CFR 73.55 and appendix B and C of part 73.55. The exemption request is based on (1) the cessation of power operation at Rancho Seco on June 7, 1989, (2) the completion of defueling the reactor on December 8, 1989, (3) the premise that a radiological release would not result in a whole body doses in excess of 10 CFR part 100 limits, and (4) that an act of sabotage that would result in a dose in excess of these limits is not a credible event. In short, Rancho Seco no longer meets the requirements of the design basis threat of radiological sabotage requiring the on-site physical protection systems and security organization of 10 CFR 73.55. The licensee performed dose calculations using conservative assumptions from the Updated Safety Analysis Report, chapter 14 and determined that all doses are well within the guidelines of 10 CFR part 100 for all credible threats.

The requirements of 10 CFR 73.55 were promulogated on the assumption of a design basis threat of an operational reactor. Requirements of 10 CFR 73.55 and appendix B and C requirements to protect against a non-existent design basis threat will not significantly enhance or increase the physical security capability at Rancho Seco. The Long Term Defueled Condition Security Plan which remains relevant to the defueled status provides an adequate basis for an acceptable safeguards program. A special circumstance as defined in 10 CFR 50.12(a)(2)(ii) exists in that application of the regulations would not serve the underlying purpose of the rules.

Based on a review of the licensee's analysis of defueled condition threats and calculated dose rates, the Commission concurs with the analysis and concludes tht there are no credible acts in the long-term defueled condition that could result in a radiological sabotage. Consequently, based on the aforementioned reasons, the Commission finds the licensee had provided an acceptable basis to authorize the granting of an exemption in accordance with the provisions of 10 CFR 55.11.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 55.11, this exemption is authoized by law and will not endanger life or property and is otherwise in the public interest. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present to justify the exemption. The referenced special circumstances pertain to exemptions to regulations which do not alter the underlying purpose of the regulations.

Based on the foregoing, the Commission hereby grants the following exemption:

"The Rancho Seco Nuclear Generating Station is exempt from the requirements of 10 CFR part 73.55 and appendix B and C of part 73 provided that (1) the reactor is void of all fuel, (2) the fuel is stored in the spent fuel pool, and (3) the Rancho Seco Long Term Defueled Condition Security Plan is implemented."

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (56 FR 30775 dated July 5, 1991).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 5th day of July 1991.

The Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 91–16889 Filed 7–15–91; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Negotiation of a North American Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of North American Free Trade Agreement (NAFTA) negotiations, of goods and services that might be affected by such negotiations, and of public hearings relating to such negotiations.

SUMMARY: In conformity with section 131 of the Trade Act of 1974, Public Law 93–618 ("1974 Act"), as amended (codified at 19 U.S.C. 2151), this publication gives notice of the United States' participation in trade negotiations with Mexico and Canada, and designates those articles which, provided they are of Mexican and Canadian origin, will be considered in such negotiations for modification or continuance of United States tariffs and nontariff measures under section 1102 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418 ("1988 Act") (codified at 19 U.S.C. 2902). In addition, this publication

designates certain service industries that will be considered in such negotiations. In conformity with section 133 of the 1974 Act, as amended (codified at 19 U.S.C. 2153), this publication also gives notice that the Trade Policy Staff Committee (TPSC) will receive public comment on, and conduct public hearings concerning, the NAFTA negotiations.

FOR FURTHER INFORMATION: For procedural questions concerning public comments and/or public hearings contact Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395–7210. All other questions concerning the negotiations should be directed to Robert Fisher, Director of Mexican Affairs, Office of North American Affairs, Office of the United States Trade Representative, (202) 395–3412.

SUPPLEMENTARY INFORMATION:

1. Background

On July 10, 1990, President Bush and Mexico's President Salinas issued a joint statement, endorsing the notion of a comprehensive free trade agreement between the United States of America and the United Mexican States. The U.S. and Mexican Presidents directed their respective trade ministers, Ambassador Carla A. Hills, the U.S. Trade Representative, and Dr. Jaime Serra Puche, Mexico's Secretary of Commerce and Industrial Development, to undertake the consultations and preparatory work needed to initiate free trade negotiations. On August 8, 1990, Ambassador Hills and Secretary Serra reported back to the President, jointly recommending the initiation of formal negotiations.

On August 21, 1990, President Salinas wrote to President Bush proposing that the United States and Mexico negotiate a free trade agreement, a step required under section 1102(c) of the 1988 Act (codified at 19 U.S.C. 2902(c)). On September 25, 1990, in accordance with section 1102 of the 1988 Act, President Bush wrote to the chairmen of the Senate Finance and House Ways and Means Committees notifying the two Committees of free trade negotiations with Mexico. In his letter to the Committee chairmen, the President also informed them that the Government of Canada had expressed a desire to participate in the negotiations, with a view to negotiations on an agreement or agreements among all three countries.

The President's September 25 notification of the two Committees triggered a 60 legislative-day clock, pursuant to sections 1102(c) and 1103(c) of the 1988 Act, during which time the Committees could review the proposed negotiations with Mexico and, if either Committee so chose, disapprove the application of the provisions of section 151 of the 1974 Act, as amended (codified at 19 U.S.C. 2191) (the "fast track procedures") to any agreement arising out of the negotiations. On February 6 and 20, 1991, the Senate Finance Committee held public hearings on the proposed negotiations; the International Trade Subcommittee of the House Ways and Means Committee held similar hearings on February 20 and 21. The 60 legislative-day review period expired on February 27, 1991, without either Committee voting to deny the application of fast track procedures to legislation implementing a free-trade agreement with Mexico.

Following the President's September 25, 1990 notification on Mexico, a series of meetings were held by officials from the United States, Mexico and Canada with respect to a possible trilateral negotiation. The Administration also consulted with both the Congress and the private sector to seek advice on whether to proceed trilaterally. Based on the work done among the governments and domestic consultations, the three governments decided to proceed with trilateral negotiations—that is, to negotiate a NAFTA. President Bush so informed the chairmen of the Senate Finance and House Ways and Means Committees in writing on February 5, 1991.

On March 1, 1991, pursuant to section 1103(b) of the 1988 Act (codified at 19 U.S.C. 2903(b)), the President requested the extension of the fast track procedures to legislation implementing trade agreements entered into under section 1102 of the 1988 Act after May 31, 1991, and before June 1, 1993. Neither the House of Representatives nor the Senate adopted an extension disapproval resolution under section 1103(b)(5) of the 1988 Act before June 1, 1991. Accordingly, the fast track procedures were extended according to the terms of section 1103(b) of the 1988 Act. At the conclusion of the negotiations, if the President enters into a NAFTA, the Administration would submit implementing legislation subject to the fast track procedures.

Ambassador Hills met with her Mexican and Canadian counterparts in Toronto, Canada, on June 12, 1991, to initiate NAFTA negotiations.

2. Lists of Articles Which May Be Considered in Trade Negotiations

Every article provided for in the Harmonized Tariff Schedule of the United States (HTSUS), enacted pursuant to section 1204 of the 1988 Act (codified at 19 U.S.C. 3004) will be considered for the elimination or reduction of duties under the authority of section 1102 of the 1988 Act provided such articles are of Mexican origin. (Duties on articles of Canadian origin have been or will be eliminated pursuant to the U.S.-Canada Free-Trade Agreement, implemented under the U.S.-Canada Free-Trade Agreement Implementation Act of 1988, Public Law 100–449 (reprinted at 19 U.S.C. 2112 note)).

3. Advice from the U.S. International Trade Commission

On April 2, 1991 the U.S. Trade Representatives ("USTR") requested that the U.S. International Trade Commission ("Commission"), pursuant to section 131(b) of the 1974 Act (codified at 19 U.S.C. 2151(b)), provide advice to the President, with respect to each item listed in the HTSUS, as to the probable economic effect of providing duty-free treatment for imports of products of Mexico on industries in the United States producing like or directly competitive articles and on consumers. In addition, pursuant to section 131(c) of the 1974 Act (codified at 19 U.S.C. 2151(c)), the USTR requested that the Commission advise the President as to the probable economic effects on domestic industries in the United States producing like or directly competitive articles and on consumers if U.S. nontariff measures were not applied to imports from Mexico. Finally, under authority delegated by the President, the USTR also requested, pursuant to section 332(g) of the Tariff Act of 1930 (codified at 19 U.S.C. 1332(g)), the following: (1) An identification of any products for which the removal of U.S. duties or nontariff measures on imports from Mexico may significantly affect U.S. imports from Canada; and (2) a summary, by product sector, of the probable economic effect on U.S. exports to Mexico of the implementation of a North American Free Trade Agreement.

The USTR requested that the Commission provide its advice under section 131 of the 1974 Act with respect to the removal of U.S. tariffs and nontariff measures not later than June 14, 1991. The USTR requested that the Commission provide the other information requested at the same time, if possible without delaying the provision of the advice requested under section 131, but in no event later than August 1, 1991.

In anticipation of receiving a request from the USTR for section 131 advice

and of being asked to furnish such advice in June, the Commission on its own motion on February 5, 1991, instituted investigation No. 332–307, under section 332(b) of the Tariff Act of 1930, in order that it might begin the process of gathering the information necessary to provide the President with the advice required under section 131. Notice of the investigation and public hearings was published in the **Federal Register** of February 13, 1991 (56 FR 8,841), and notice of the times and places of the public hearings was published in the **Federal Register** of March 13, 1991 (56 FR 10,572). Public hearings were held in Phoenix, AZ on April 8, 1991, Chicago, IL on April 10, 1991, and Washington, DC on April 12, 1991.

Following receipt of the USTR's request on April 3, 1991, the Commission instituted investigation No. TA–131–16 and 332–309 under section 131 (b) and (c) of the 1974 Act and section 332(g) of the Tariff Act of 1930 to provide advice to the President as requested by the USTR. Notice of institution of the investigation and incorporation of investigation No. 332–307 into the new investigation was published in the **Federal Register** of April 10, 1991 (56 FR 14,536). The Commission provided certain classified advice and information requested to the USTR on June 12, 1991.

To assist the USTR in preparing for negotiations with Mexico and Canada on trade in services, on May 17, 1991, the USTR requested, under authority delegated by the President, that the Commission, pursuant to section 332(g) of the Tariff Act of 1930, prepare a report that would provide, for each of the service sectors listed in the Annex to this notice: (1) A brief U.S. industry profile; (2) a comprehensive Mexican industry profile; (3) an identification of Mexican nontariff measures that impede U.S. participation in the Mexican market; and (4) an assessment of the impact of such measures on U.S. service providers. In addition, the USTR requested that the Commission include in the report any significant new information concerning U.S.-Canada trade in services if such information has come to the attention of the Commission since the completion of the Commission's report on Canadian service sectors in investigation No. 332–235. The USTR requested that the information requested be provided by July 5, 1991, but in no event later than August 1, 1991.

4. Public Comments and Testimony

In conformity with section 133 of the 1974 Act, the regulations promulgated under the 1974 Act and the regulations of the Trade Policy Staff Committee ("TPSC") (15 CFR part 2003), the Chairman of the TPSC invites the written comments and/or oral testimony of interested parties in public hearings on the desirability, the scope, and the economic effects of a North American Free Trade Agreement.

Comments are particularly invited on:

(a) Economic costs and benefits to U.S. producers and consumers of removal of all tariff barriers to U.S.-Mexico-Canada trade and, in the case of articles for which immediate elimination of tariffs is not appropriate, the appropriate staging schedule for such elimination.

(b) Economic costs and benefits to U.S. producers and consumers of removal of nontariff barriers.

(c) Proposed and potential service sectors (including and additional to those listed in the Annex) to be included in U.S.-Mexico-Canada free trade agreements, existing barriers to trade in these service sectors, and economic costs and benefits of removing such barriers.

(d) Existing restrictions on direct investment in the United States, Mexico and Canada and the costs and benefits to each side of eliminating such restrictions.

(e) Adequacy of existing customs measures to ensure Mexican and Canadian origin of imported goods, and the appropriate rule of origin for goods entering under the NAFTA.

In addition, comments are invited on the possible environmental effects of the NAFTA, to enable U.S. officials to factor these considerations into free trade negotiations and other bilateral efforts relating to U.S.-Mexico environmental issues. (There will, however, be a seperate public comment opportunity on the forthcoming U.S.-Mexico Border Environment Plan.)

Comments identifying state, provincial or federal regulations which are not primarily trade-related as present or potential barriers to trade should consider the economic, political and social objectives of such regulations and the degree to which they discriminate against producers or investors of the other country.

5. Requests to Participate in Public Hearings

Hearings will be held on Wednesday, August 21, 1991 in San Diego, California; Monday, August 26, 1991 in Houston, Texas; Thursday, August 29, 1991 in Atlanta, Georgia; Tuesday, September 3, 1991 in Washington, DC; Monday, September 9, 1991 in Cleveland, Ohio; and Wednesday, September 11, 1991 in Boston Massachusetts. The time and location of the hearings will be announced at a later date.

Parties wishing to testify orally at the hearings must provide written notification of their intention by Monday, August 12, 1991, to Carolyn Frank, Executive Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, room 414, 600 Seventeenth Street, NW., Washington, DC 20506. The notification should include (1) the specific hearing to be attended; (2) name of the person presenting the testimony, their address and telephone number; and (3) a brief summary of their presentation, including the product(s), with HTSUS numbers, and/or service sector(s) or other subjects to be discussed.

Those parties presenting oral testimony must also submit a written brief, in 20 copies, by noon, Monday, August 12, 1991. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the Chairman and the interagency panel. Participants should provide thirty typed copies of their oral statement at the time of the hearings.

Any business confidential material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a nonconfidential summary thereof.

6. Written Comments

Those persons not wishing to participate in the hearings may submit written comments, in twenty typed copies, no later than noon, Monday August 26, 1991, to Carolyn Frank, Executive Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representatives, room 414, 600 Seventeenth Street, NW., Washington, DC 20506. Comments should state clearly the position taken and should describe with particularity the evidence supporting that position. Any business confidential material must be clearly marked as such on the cover page (or letter) and succeeding pages. Such submissions must be accompanied by a nonconfidential summary thereof.

Nonconfidential submissions will be available for public inspection at the USTR Reading Room, room 101, Office of the U.S. Trade Representative, 600 Seventeenth Street, NW., Washington, DC. An appointment to review the file may be made by calling Brenda Webb (202) 395–6186. The Reading Room is open to the public from 10 a.m. to 12

noon and from 1 p.m. to 4 p.m., Monday through Friday.

David A. Weiss,

Chairman, Trade Policy Staff Committee.

Annex

Selected Service Sectors

Agricultural Services
Accounting Services
Advertising Services
Architecture, Construction, and Engineering Services
Entertainment Services
Health and Medical Services
Insurance Services
Land Transportation Services
Legal Services
Oilfield Services
Telecommunications and Information Services
Tourism Services
Other significant service sectors, if any, unique to border trade.

[FR Doc. 9–17047 Filed 7–12–91; 2:26 pm]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–29421; File Nos. SR–ICC–89–03 and SR–ICC–89–05]

July 9, 1991.

Self-Regulatory Organizations; The Intermarket Clearing Corporation; Notice of Withdrawal of Proposed Rule Changes Relating to the Eligibility of Certain Treasury Securities Futures Contracts for Cross-Margining and to the Delivery and Settlement of Such Contracts

On August 18, 1989, and November 9, 1989, The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] proposed rule changes relating to the eligibility of certain treasury securities futures contracts for cross-margining (File No. SR–ICC–89–03) and the delivery and settlement of such contracts (File No. SR–ICC–89–05), respectively.

Notice of File No. SR–ICC–89–03 was published in the **Federal Register** on September 14, 1989.[2] Notice of File No. SR–ICC–89–05 was never published in the **Federal Register**. On July 3, 1991, ICC withdrew both proposals.[3]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–16882 Filed 7–15–91; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 27213 (September 1, 1989), 54 FR 38014

[3] Letter from Don L. Horwitz, Senior Vice President and General Counsel, ICC, to Jonathan Kallman, Assistant Director, Division of Market Regulation, Commission (July 3, 1991).

[Release No. 34–29420; File No. SR–MSRB–91–4]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board; Relating to the Arbitration Code and Arbitration Fees and Deposits

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 17, 1991, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing proposed amendments to Board rule G–35, the Board's Arbitration Code, and rule A–16, on arbitration fees and deposits, (hereafter referred to as "the proposed rule change"). The Board requests that the Commission delay the effectiveness of the proposed rule change for a period of 30 days following the date of approval in order to allow the Board time to alert dealers and the public of the rule change. The proposed rule change will apply only to cases filed on and after the effective date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) A Uniform Code of Arbitration ("Uniform Code") has been developed by the Securities Industry Conference on Arbitration ("SICA"), which is composed of representatives of the Board, nine other self-regulatory organizations ("SROs"), four public members and the Securities Industry Association. The Uniform Code, as implemented by the various SROs, has established a uniform system of arbitration procedures throughout the securities industry. The proposed rule change is intended to conform the provisions of the Board's arbitration code, contained in rule G–35, and arbitration fees and deposits, contained in rule A–16, to recent amendments to the Uniform Code approved by SICA.

Party Service to Pleadings

Currently, when a claim is filed, the Board's arbitration staff distributes copies of such claims, as well as responsive pleadings, to the parties and the arbitrators. Sections 5, 34 and 35 have been amended to require that, after the claim has been filed with the Director of Arbitration, the parties shall deliver directly to each other all responsive pleadings. The proposed rule change requires that sufficient copies of the pleadings for the arbitrators also be filed with the Director of Arbitration. These amendments should cause arbitration documents to be distributed more quickly, and will relieve some of the administrative burden on the Board's staff in terms of time spent photocopying and distributing documents. The staff will continue to serve the initial claim and will monitor the exchange of responsive pleadings, notifying the parties, when appropriate, of any delinquencies in the filing of such pleadings. The Board believes that such amendments will result in more efficient case administration.

Adjournments

Section 20 currently permits arbitrators to adjourn any hearing, and any person requesting an adjournment after arbitrators have been appointed is required to pay a fee, equal to the deposit of costs, which shall not exceed $100. The proposed rule change requires that the amount of the adjournment fee

equal the initial deposit of hearing session fees for the first adjournment request, and twice the initial deposit of hearing session fees, not to exceed $1,000, for a second or subsequent adjournment request. In addition, upon receiving a third request for adjournment, the proposed rule change permits the arbitrators to dismiss the arbitration without prejudice to the claimant. These amendments are intended to discourage frivolous requests for adjournment, thereby reducing delays and encouraging more efficient use of the arbitration process.

Fees and Deposits

Rule A–16 sets forth the Board's schedule of arbitration fees and deposits. While the Board largely subsidizes its arbitration program, arbitration fees are intended to defray at least some of the Board's costs of administration. The Board has not increased these fees since July 1987. Rule A–16 currently requires claimants to file an initial deposit. This deposit ranges from $15 for claims of $1,000 or less, to $1,000 for claims above $500,000. If multiple hearing sessions are required, the arbitrators may require any of the parties to make additional deposits per session, in an amount no greater than the initial deposit. The arbitrators, in their award, may determine the amount chargeable to the parties as forum fees and by whom such fees will be paid. Depending on the amount of the claim, forum fees also can range from $15 to $1,000 per hearing session. Amounts deposited by a party are applied against fees, if any. If the fees are not assessed against a party who has made a deposit, then the deposit will be refunded.

The proposed rule change provides for two new fee schedules—one for customer claims, and a higher fee schedule for dealer claims. Any party filing a claim (including any counterclaim, third-party claim or cross-claim) now would be required to pay a non-refundable filing fee, as well as a hearing session deposit which varies with the amount in dispute. For claims initiated by a customer, the filing fee would range from $15 for claims of $1,000 or less, to $300 for claims over $5,000,000. The customer's hearing session deposit would range from $15 for claims of $1,000 or less (whether simplified, *i.e.*, decided without a hearing, or involving a hearing before one arbitrator), to $1,500 for claims over $5,000,000 involving a hearing before three arbitrators. For claims initiated by an industry member, the filing fee would be $500 for all claims, and the hearing session deposit would range from $75 for simplified claims under $1,000 to $1,500 for claims over $5,000,000 involving a hearing before three arbitrators. Consistent with the current rule, the proposed rule change would permit the arbitrators to decide how much to charge the parties for forum fees. The proposed rule change also provides that the arbitrators, in their award, may direct a party to reimburse another party for any non-refundable filing fee it has paid to the Board.

The non-refundable filing fee is intended to recoup a greater portion of the Board's administrative costs relating to claims processing. The hearing session deposit is intended to offset the Board's actual hearing costs. By requiring filing fees in addition to hearing session deposits, the revised fee schedules allocate the costs of arbitration more equitably among users of the forum.

Technical Changes

In addition to the substantive amendments proposed, the proposed rule change also includes several technical changes involving word changes or clarification, and correction of typographical and grammatical errors.

(b) The Board has adopted the proposed rule change pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(D) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(C) requires in pertinent part that the Board's rules be designed.

> To promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Section 15B(b)(2)(D) states that the Board shall, if it deems appropriate—

> Provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: Provided, however, That no person other than a municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with section 29 of this title.

B. Self Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it applies equally to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 6, 1991.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: July 8, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–16875 Filed 7–15–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-29422]

Self-Regulatory Organizations; Spokane Stock Exchange, Inc.; Notice of Withdrawal of Registration as a National Securities Exchange

Notice is hereby given that on May 17, 1991, the Spokane Stock Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission notice of withdrawal of its registration as a national securities exchange pursuant to section 19(a)(3) of the Securities Exchange Act of 1934.[1] The Exchange ceased trading operations effective May 24, 1991. The issues formerly listed on the Exchange will continue to trade on a national securities exchange if listed, or on NASDAQ or otherwise in the over-the-counter market.

Dated: July 9, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-16879 Filed 7-15-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-29413; File No. SR-Phlx-91-19]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Increasing the Number of Strike Prices Eligible for Automatic Execution Under AUTOM

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 20, 1991, the Philadelphia Stock Exchange ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to expand the automatic execution ("Auto-X") feature of the Exchange's Automated Options Market ("AUTOM") system, a pilot program, to include all strike prices. The AUTOM system provides electronic delivery of small options orders to the Phlx trading floor, as well as an automatic execution feature for certain options series. Presently, orders eligible for execution through the Auto-X feature of AUTOM include orders placed in all Phlx equity options up to ten contracts in size which are in at-the-money options series or in options series at one price interval above or below the at-the-money series. The Phlx also notes that Auto-X currently is applicable to all expiration months.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to extend the application of the Auto-X feature of AUTOM to all strike prices. Since approving the establishment of the AUTOM pilot program on March 31, 1988, the Commission has approved various amendments and extensions to this pilot program.[1] Certain of these amendments provided for the establishment of the Auto-X feature of AUTOM and the extension of Auto-X to all Phlx equity options.[2]

Eligibility for Auto-X presently is limited to customer market and marketable limit orders of up to ten contracts. In addition, automatic execution is available only for orders in three strike prices: at-the-money, one price interval above the at-the-money price, and one price interval below the at-the-money price. The current proposal extends the availability of the Auto-X feature of AUTOM to include all strike prices.

The Exchange believes that expanding the types of orders eligible for automatic execution will increase order flow through AUTOM, thus benefiting more Exchange customers and firms. The Exchange also believes that making all strike prices eligible for Auto-X, as opposed to only the three most at-the-money strikes, is consistent with AUTOM's goal of improving order routing and execution efficiency. Thus, the Exchange believes that the proposed extension of Auto-X to include all strike prices is consistent with the Act, and, in particular, section 6(b)(5), in that it is designed to promote just and equitable principles of trade as well as to remove impediments to and perfect the mechanism of a free and open market. In addition, the Exchange further believes that the proposed rule change is consistent with section 11A of the Act in that it fosters fair competition among exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

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[1] 15 U.S.C. 78s(a)(3).

[1] See Securities Exchange Act Release No. 25540 (March 31, 1988), 53 FR 11390 (April 6, 1988).

[2] See Securities Exchange Act Release Nos. 27599 (January 9, 1990), 55 FR 1751 (January 18, 1990) and 28978 (March 15, 1991), 56 FR 12050 (March 21, 1991).

inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 6, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Dated: July 8, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-16876 Filed 7-15-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-29424; File No. SR-PHLX-91-11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Specialists Handling of Limit Order When the Canceling of All Limit Orders Is Required

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 20, 1991, the Philadelphia Stock Exchange ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to adopt new Options Floor Procedure Advice ("OFPA") A-6, "Responsibility to Cancel Orders on the Book." The proposal would transfer the current provisions of OFPA A-6 to OFPA A-5, which pertains to the execution of stop and stop limit orders. Two changes would be made in the provisions to be transferred to OFPA A-5: (1) The floor would be notified 30 minutes before the opening, instead of 45 minutes, of floor official approval of a specialist's refusal to accept stop and/or stop limit orders on the book; and (2) the return of all stop and stop limit orders entrusted to a specialist must be made to the responsible member immediately after floor official approval, instead of one half hour before the opening.[1]

The proposal also will add a new OFPA A-6 to Exchange Rules which would extend the specialist's responsibility to include both notifying floor brokers in the event orders placed on the book become subject to a cancel/replacement process, as well as ensuring that, to the extent possible, any such replacement order will not incur a loss of the priority it established prior to the cancel/replacement process.

The text of the proposed rule change is available at the Office of the Secretary, PHLX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to codify an existing practice among specialists on the PHLX. Although no Exchange rule or advise specifically mandated it in the past, the practice of retaining the original priority of orders that have been mandatorily canceled and replaced has been widely observed.

The proposed language for Advice A-6 would require specialists to notify each floor broker who has placed an order on the specialist's book when a cancel/replacement of all limit orders will be required. For example, this may arise when a major change with respect to the issuer of the underlying security occurs, such as a new corporate name. As these orders are canceled and replaced, the proposed rule change would require the specialist, to the extent possible, to replace orders on the book in the order of their original priority. The specialist also would confirm that all booked orders which were replaced remain valid.

The PHLX believes that this practice is fair and ensures that orders do not gain priority simply by knowing in advance that an event warranting a complete cancel/replacement process is about to occur.

With respect to the language to be transferred from OFPA A-6 to OFPA A-5, the Exchange proposes two changes. First, the Phlx proposes to change from 45 minutes to 30 minutes the latest time before the opening that a specialist can receive floor official approval to refuse to accept stop and/or stop limit orders on the book. The change from 45 to 30 minutes corresponds to the Exchange's staffing requirement pursuant to OFPA E-1, which requires member firms to have a representative on the trading floor 30 minutes before the opening. The PHLX notes that because the membership is not present to receive notification 45 minutes before the opening, such a requirement is impracticable.

Second, the proposed rule change also omitted from the language to be added to OFPA A-5 language requiring stop and stop limit orders to be returned to the responsible member one half hour before the opening. Having eliminated the 45 minute requirement, there is no longer a 15 minute time lag for floor official approval to be sought and notification given. Additionally, this would have required approval and notification to individual members, with orders resting on the limit order book, to occur simultaneously—one half hour before the opening. Instead, the Exchange proposes to require that immediately after floor official approval the specialist return such orders placed on the book. In other words, the PHLX proposes that 30 minutes before the opening is the deadline for refusing to accept stop and/or stop limit orders; immediately after receipt of floor official approval is the proposed deadline for returning such orders to the responsible member. Exchange rules will still require that the floor be notified of floor official approval of the refusal 30 minutes before the opening.

The Exchange believes that the proposed rule change is consistent with the provisions of the Act, and the rules and regulations thereunder, and, in particular, with section 6(b)(5), in that it is designed to protect investors and the public interest, to prevent fraudulent and manipulative acts and practices, and to perfect the mechanism of a free and open market.

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[3] 17 CFR 200.30-3(a)(12) (1990).

[1] On June 10, 1991, the PHLX amended the proposed rule change to state the purpose for these two changes. See letter from Edith Helman, Law Clerk, PHLX, to Monica Michelizzi, Staff Attorney, SEC, dated June 10, 1990.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 6, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

[2] 17 CFR 200.30-3(a)(12) (1990).

Dated: July 9, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-16881 Filed 7-15-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18228; 812-7720]

Alex. Brown Cash Reserve Fund, Inc., et al.; Application

July 8, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: Alex. Brown Cash Reserve Fund, Inc., Flag Investors Telephone Income Fund, Inc., Flag Investors International Trust, Total Return U.S. Treasury Fund, Inc., Flag Investors Emerging Growth Fund, Inc., Flag Investors Quality Growth Fund, Inc., Managed Municipal Fund, Inc., and all investment companies and portfolios thereof that may be sponsored, advised, administered, or distributed in the future by Alex. Brown & Sons Incorporated ("Alex. Brown"), Armata Financial Corp. ("Armata"), or their respective affiliates and that impose a front-end load sales charge (collectively, the "Funds"); and Alex. Brown and Armata.

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) and rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Funds to impose a contingent deferred sales load on the redemption of certain shares purchased at net asset value and to waive the load in certain instances.

FILING DATE: The application was filed on May 10, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 5, 1991, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 135 East Baltimore Street, Baltimore, Maryland 21202.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each Fund is an open-end management investment company organized as a Maryland corporation, except Flag Investors International Trust, which is organized as a Massachusetts business trust. Each Fund has a class of shares designated as its "Flag Investors" class and each such class is identified by the inclusion of "Flag Investors" in its name (i.e., Flag Investors Cash Reserve Prime Shares, Flag Investors Telephone Income Fund Shares, Flag Investors International Trust Shares, Flag Investors Total Return U.S. Treasury Fund Shares, Flag Investors Emerging Growth Fund Shares, Flag Investors Quality Growth Fund Shares, and Flag Investors Managed Municipal Fund Shares) (the "Flag Investors Classes").

2. Alex. Brown and Armata are registered broker-dealers. Alex. Brown serves as distributor for all classes and series of the Funds, except for certain classes (not Flag Investors Classes) of Total Return U.S. Treasury Fund, Inc. and Managed Municipal Fund, Inc., for which classes Armata serves as distributor. (Alex. Brown and Armata, as applicable, are each hereinafter referred to as the "Distributor.")

3. The Funds currently sell shares of their Flag Investors Classes at net asset value plus a front-end sales charge on purchases of less than $1 million. No sales charge is imposed on purchases of shares of $1 million or more. The Distributor receives the sales charges and either retains such amounts (on shares sold through its investment representatives) or reallows all or a substantial part of such charges to broker-dealers that have entered into agreements with the Distributor and that have effected sales of shares of Flag Investors Classes.

4. A redemption fee is currently imposed on Flag Investors share purchases of $1 million or more that are redeemed within 24 months following

the purchase, at a rate equal to .50% of the lesser of the net asset value of the shares redeemed or the total cost of such shares.

5. Upon grant of the requested exemption, applicants propose to implement the contingent deferred sales load ("CDSL") described below for the Flag Investors Classes in lieu of the redemption fee and may implement this CDSL for other classes of shares of the Funds that impose a front-end sales load.

6. The CDSL will be imposed on substantially the same terms and conditions as the redemption fee is currently imposed. Specifically, the CDSL will be imposed on shares included in purchases of $1 million or more that are sold initially without a sales load and are redeemed within 24 months after the end of the calendar month in which the purchase order was accepted. The amount of the CDSL will be .50% of the lesser of the net asset value of the shares redeemed or the total cost of such shares. The CDSL will be deducted from the redemption proceeds otherwise payable to the shareholder and will be retained by the Distributor. No CDSL will be imposed when a shareholder redeems shares acquired through reinvestment of dividends or capital gain distributions.

7. In determining whether a CDSL is payable, it will be assumed that shares, or amounts representing shares, that are not subject to a CDSL are redeemed first and that other shares or amounts are then redeemed in the order purchased. No CDSL will be imposed on exchanges of shares of one Fund for shares of another, and such exchanges will be effected in compliance with rule 11a–3 under the Act. For shares acquired in exchange for shares of another Fund that imposed a CDSL, the 24 month period will relate back to the initial purchase of a Fund's shares.

8. The CDSL may be waived for: (a) Redemptions by shareholders who die or become disabled within the meaning of section 72(m)(7) of the Internal Revenue Code of 1986, as amended; (b) redemptions effected pursuant to each Fund's right to liquidate a shareholder's account if the aggregate net asset value of shares held in the account is less than the effective minimum account size; and (c) redemptions by any investment company registered under the Act or its shareholders in connection with the combination of such company with any Fund by merger, acquisition of assets, or by any other transaction.

Applicants' Legal Analysis

1. Section 2(a)(32) of the Act defines redeemable security to be a security that, upon presentation to the issuer or to a person designated by the issuer, entitles the shareholder to receive approximately his proportionate share of the issuer's current net assets. Applicants assert that the imposition of the CDSL will not prevent a redeeming shareholder from receiving his proportionate share of the current net assets of a Fund, but will merely defer the deduction of a sales load and make it contingent upon an event that may never occur. However, to avoid uncertainty in this regard, applicants request an exemption from the operation of section 2(a)(32) to the extent necessary to impose the proposed CDSL and maintain each Fund's qualification as an open-end investment company under section 5(a)(1) of the Act.

2. Section 2(a)(35) of the Act defines sales load to be the amount properly chargeable to sales or promotional expenses that are paid at the time the securities are purchased. Each Fund will pay the CDSL to its Distributor to reimburse it solely for expenses related to the sale of shares. Applicants submit that this arrangement, but for the timing of the imposition of the load, is within the section 2(a)(35) definition of sales load. Applicants contend that the deferral of the sales load, and its contingency upon the occurrence of an event that may not occur, does not change the basic nature of this charge, which is in every other respect a sales load. However, to avoid any uncertainty in this regard, applicants request an exemption from section 2(a)(35) to the extent necessary to impose the proposed CDSL.

3. Section 22(c) of the Act and rule 22c–1 thereunder preclude a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that imposition of the CDSL does not violate rule 22c–1. The price of a Fund's shares on redemption will be based on current net asset value. The CDSL will merely be deducted at the time of redemption in arriving at the net proceeds payable to the shareholder. However, to avoid any uncertainty, applicants request an exemption from section 22(c) and rule 22c–1 to the extent necessary to impose the proposed CDSL.

4. Section 22(d) of the Act requires a registered investment company and its principal underwriter to sell the company's securities at a current public offering price described in the company's prospectus. Subject to certain conditions, rule 22d–1 provides an exemption from section 22(d), allowing investment companies to charge different loads to different classes of investors. Traditionally, however, rule 22d–1 has applied to sales loads imposed at the time of purchase. Nevertheless, applicants assert that they will comply with the conditions of rule 22d–1 as if the CDSL was a front-end sales load. Accordingly, applicants request an exemption from section 22(d) to the extent necessary to permit the waiver of the CDSL as described above.[1]

Applicants' Condition

If the requested order for exemption is granted, applicants expressly agree that they will comply with proposed rule 6c–10 under the Act (including any modifications that are proposed prior to the adoption of such rule) until such rule is adopted, and after such adoption will comply with such rule in the form in which it is in effect from time to time.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–16819 Filed 7–15–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18234; 811–4850]

Pilgrim Government Securities Fund; Notice of Application for Deregistration

DATE: July 10, 1991.

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of application for deregulation under the Investment Company Act of 1940 (the "Act").

APPLICANT: Pilgrim Government Securities Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on June 28, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on

[1] Applicants also requested an exemption from rule 22d–1. Because the rule does not, in and of itself, require or prohibit any particular conduct, it is unnecessary to grant applicant's request for an exemption from rule 22d–1.

August 7, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549, Applicant, 10100 Santa Monica Boulevard, Los Angeles, CA 90067.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Osterman, Staff Attorney, (202) 504–2524, or Jeremy N. Rubenstein, Branch Chief, (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is organized as a limited partnership under the laws of the State of California and is an open-end diversified management company registered under the Act. On September 24, 1986, applicant filed a Notification of Registration pursuant to section 8(a) of the Act and a Registration Statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. The registration statement became effective, and applicant's intitial public offering commenced, on December 22, 1986.

2. At a meeting held on February 7, 1990, applicant's managing general partners unanimously approved an agreement and plan of reorganization (the "Plan") with Franklin Tax-Advantaged U.S. Government Securities Fund, a registered management investment company organized as a California limited partnership (the "Franklin Fund"). Proxy materials relating to the Plan were filed with the SEC and distributed to applicant's securityholders. At a meeting held on June 7, 1990, applicant's securityholders approved the Plan.

3. On June 9, 1990, pursuant to the Plan, applicant transferred all of its assets and liabilities to the Franklin Fund in exchange for shares of partnership interest of the Franklin Fund having the same aggregate net asset value as applicant's shares of partnership interest immediately prior to the transfer. The Franklin Fund shares were distributed to applicant's securityholders.

4. Expenses incurred in connection with the Plan amounted to $10,629.95 and consisted of legal and accounting fees and printing and mailing costs associated with the proxy solicitation. Such expenses were borne by applicant.

5. No brokerage commissions were paid in connection with the Plan.

6. Applicant has no shareholders, assets or liabilities, and is not a party to any litigation or administrative proceeding. Applicant does not presently engage in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–16877 Filed 7–15–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18233; 811–4851]

Pilgrim High Income Fund; Notice of Application for Deregistration

DATE: July 10, 1991.

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Pilgrim High Income Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on June 28, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 7, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549, Applicant, 10100 Santa Monica Boulevard, Los Angeles, CA 90067.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Osterman, Staff Attorney, (202) 504–2524, or Jeremy N. Rubenstein, Branch Chief, (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is organized as a limited partnership under the laws of the State of California and is an open-end diversified management company registered under the Act. On September 24, 1986, applicant filed a Notification of Registration pursuant to section 8(a) of the Act and a Registration Statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. The registration statement became effective, and applicant's initial public offering commenced, on December 22, 1986.

2. At a meeting held on February 7, 1990, applicant's managing general partners unanimously approved an agreement and plan of reorganization (the "Plan") with Franklin Tax-Advantaged High Yield Securities Fund, a registered management investment company organized as a California limited partnership (the "Franklin Fund"). Proxy materials relating to the Plan were filed with the SEC and distributed to applicant's securityholders. At a meeting held on June 7, 1990, applicant's securityholders approved the Plan.

3. On June 9, 1990, pursuant to the Plan, all of applicant's assets and liabilities were transferred to the Franklin Fund in exchange for shares of partnership interest of the Franklin Fund having the same aggregate net asset value as applicant's shares of partnership interest immediately prior to the transfer. The Franklin Fund shares were distributed to applicant's securityholders.

4. Expenses incurred in connection with the Plan amounted to $10,048.46 and consisted of legal and accounting fees and printing and mailing costs associated with the proxy solicitation. Such expenses were borne by applicant.

5. No brokerage commissions were paid in connection with the Plan.

6. Applicant has no shareholders, assets or liabilities, and is not a party to any litigation or administrative proceeding. Applicant does not presently engage in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-16878 Filed 7-15-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-91-27]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 15, 1991.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____ 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (ACC-10), room 915C, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9683.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on July 10, 1991.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 2624.

Petitioner: McDonnell Douglas Airplane Company.

Sections of the FAR Affected: 14 CFR 121.411(a) (2), (3) and (b)(2), 121.413 (b), (c) and (d), and part 121, appendix H.

Description of Relief Sought: To extend Exemption No. 5117 from §§ 121.411(a) (2), (3) and (b)(2), 121.413 (b), (c) and (d), and part 121, appendix H which allows McDonnell Douglas Airplane Company (Douglas) to use certain highly qualified Douglas instructor pilots and if appropriate, flight engineer (FE) instructors, trained by Douglas, to train that part 121 certificate holder's initial cadre of pilots, airmen, and, if appropriate, flight engineers and also to train the certificate holder's airmen in initial transition, upgrade, differences, and recurrent training in an approved simulator and in turbojet-powered airplanes manufactured by Douglas without the Douglas instructors meeting all of the applicable training requirements of subpart N and the employment requirements of appendix H of part 121 of the FAR and without Douglas holding an air carrier operating certificate. Exemption No. 5117 will expire November 30, 1991.

Docket No.: 26575.

Petitioner: Designed Ideas, Inc.

Sections of the FAR Affected: 14 CFR 14-1.65.

Description of Relief Sought: To allow purchasers of Designed Ideas AvTEST Written Examination System of computerized testing to exercise their examining authority for Flight Instructor and Airline Transport Pilot written tests.

Dispositions of Petitions

Docket No.: 22635.

Petitioner: Sierra Academy of Aeronautics.

Sections of the FAR Affected: 14 CFR 63, appendix C, paragraph (a)(3) (iv) (a).

Description of Relief Sought/ Disposition: To be exempt from 14 CFR 63, appendix C, paragraph (a)(3) (iv)(a) to the extent necessary to allow Sierra's nonpilot flight engineer applicants enrolled in Sierra's flight engineer flight training course of instruction to reduce the required 5 hours of flight training in an airplane to not less than 2 hours of intensive flight training in an airplane, subject to certain provisions. *Grant, June 21, 1991. Exemption No. 5323.*

Docket No.: 23713.

Petitioner: Simuflite Training International.

Sections of the FAR Affected: 14 CFR 61.56(b)(1), 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); appendix A of part 61; and appendix H of part 121 of the Federal Aviation Regulations.

Description of Relief Sought/ Disposition: To renew Exemption No. 3931, as amended, from §§ 61.56(b)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); appendix A of part 61; and appendix H of part 121 of the Federal Aviation Regulations. That exemption permits Simuflite Training International to use FAA-approved simulators to meet certain training and testing requirements of §§ 61.56(b)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); appendix A of part 61; and appendix H of part 121 of the FAR. *Grant, March 7, 1991. Exemption No. 3931F.*

Docket No.: 24770.

Petitioner: FlightSafety International, Inc.

Sections of the FAR Affected: 14 CFR 61.56(b)(1), 61.57(c) and (d); 61.58(b)(2) and (c)(1); 61.63(d)(2) and (3); 61.67(d)(2); 61.163(a); and appendix B of part 61.

Description of Relief Sought/ Disposition: To combine, renew, and revise Exemption Nos. 4609 and 5067. Exemption No. 4609, as amended, permits FSI to use its FAA-approved simulators to meet certain training and testing requirements of §§ 61.56(b)(1); 61.57(c) and (d); 61.58(b)(2), (c)(1), and (d); 61.67(d)(2); 61.163(a); appendix B of part 61; and appendix H of part 121 of the Federal Aviation Regulations (FAR) for the S-76 and BH-222 helicopters. Exemption No. 5067 permits FSI to use a simulator, that is representative of the Sikorsky S-76B helicopter, in lieu of the actual aircraft for the various training, checking, and recurrency requirements of §§ 61.57(a)(1), (c), and (d); 61.58(b)(2) and (c)(1); and 61.163(a). Furthermore, FSI requests to amend Exemption Nos. 4609 and 5067 to: 1. Allow the entire type rating check to be conducted in its FAA-approved simulators and to allow the preflight action to be conducted using approved, pictorial means; and 2. Accommodate the addition of its new simulators that replicate the Bell 212 and 412 helicopters and all future simulators that it may obtain without having to

petition for exemption each time a new simulator is added. *Grant, June 21, 1991. Exemption No. 5324.*

Docket No.: 25245.

Petitioner: Department of the Air Force (USAF).

Sections of the FAR Affected: 14 CFR 91.215(b).

Description of Relief Sought/ Disposition: To eliminate provision 12c of Exemption No. 4633C, regarding the issuance of notices to airmen (NOTAM) 2 hours prior to an operation in the Transponder-Off area. The FAA issued Exemption No. 4633C on December 30, 1988. That exemption granted relief from § 91.215(b) (formerly § 91.24(b)) of the Federal Aviation Regulations (FAR) to allow certain USAF aircraft to conduct flight operations in designated airspace above 10,000 feet mean sea level (MSL) without having to operate the transponders of those aircraft. This relief benefited the Tactical Fighter Weapons Center (TFWC), Nellis Air Force Base (NAFB), Nevada, and was limited to portions of the airspace referred to as the Nellis Range Complex (NRC). The USAF defined the NRC as: The Desert Military Operating Area (MOA) and Restricted Areas R–4806E, R–4806W, R–4807, and R–4809. The NRC also includes portions of the Continental Positive Control Area (PCA) overlying the Desert MOA. Petitioner states that the relief enables realistic combat training operations at the TFWC in support of the Tactical Air Command (TAC) mission. *Partial Grant, June 14, 1991. Exemption No. 4633D.*

Docket No.: 25555

Petitioner: Silverstar Aviation, Inc.

Sections of the FAR Affected: 14 CFR 135.271(g).

Description of Relief Sought/ Disposition: Reconsideration of the Denial of Exemption No. 4954, from § 135.271(g) of the Federal Aviation Regulations (FAR) issued to Silverstar Aviation, Inc. (SAI) on June 22, 1988. SAI's original petition for exemption, dated February 17, 1988, and the petition for reconsideration, would permit SAI to assign certain of its flight crewmembers to other duties during helicopter hospital emergency medical evacuation services (HEMES) assignment, which SAI has identified as its Emergency Medical Services (EMS). *Denial, November 20. 1989. Exemption No. 5114.*

Docket No.: 25964.

Petitioner: NPA, Inc. dba United Express.

Sections of the FAR Affected: 14 CFR 135.181(a)(2).

Description of Relief Sought/ Disposition: To permit United Express to operate its Jetstream 3100 and 3200 series airplanes under Instrument Flight Rules (IFR) or Visual Flight Rules (VFR) over the top and to permit an alternate means of compliance with the performance requirements and the use of procedures for compliance with the en route limitations specified in § 135.181. United Express proposes to operate scheduled service using single engine drift-down requirements outlined by performance data in the aircraft flight manuals between the following locations:

1. Spokane, Washington—Kalispell, Montana, via V–448.
2. Spokane, Washington—Missoula, Montana, via V–2.
3. Seattle, Washington—Wenatchee, Washington, via V-120.
4. Portland, Oregon—Redmond, Oregon, via V–448, Radial 128 BTG.

Denial, June 26, 1991 Exemption No. 5326.

Docket No.: 26294.

Petitioner: Douglas Aircraft Company.

Sections of the FAR Affected: 14 CFR 121.358(a).

Description of Relief Sought/ Disposition: To exempt American Airlines (AA) and Delta Airlines (DA) from § 121.358(a) of the Federal Aviation Regulations (FAR) which would permit AA and DA to operate McDonnell Douglas-11 (MD–11) airplanes, manufactured after January 2, 1991, without those airplanes being equipped with either an approved airborne windshear warning and flight guidance system, an approved airborne detection and avoidance system, or an approved combination of those systems. *Grant, June 21, 1991, Exemption No. 5322.*

Docket No.: 26454.

Petitioner: Mr. Patrick S. LaClair.

Sections of the FAR Affected: 14 CFR 61.39(a)(1).

Description of Relief Sought/ Disposition: To allow Mr. LaClair to take the practical test for the flight instructor certificate after the 24th month in which Mr. LaClair completed the written test. *No exemption required;T1 SFAR 63 Issued June 6, 1991,*

Docket No.: 26462.

Petitioner: United States Customs Service, Department of the Treasury.

Sections of the FAR Affected: 14 CFR 91.13.

Description of Relief Sought/ Disposition: To permit USCS pilots to operate their aircraft, as necessary, to make enforcement stops of suspected violators. *Denial, June 21, 1991, Exemption No. 5325.*

Docket No.: 26501

Petitioner: Northeast Express Regional Airlines, Inc. dba Northwest Airlink.

Sections of the FAR Affected: 14 CFR 135.225(e)(1).

Description of Relief Sought/ Disposition: Permanent exemption from § 135.225(e)(1) of the Federal Aviation Regulations (FAR) which permits Northeast Express Regional Airlines, INC. to take off under instrument flight rules (IFR) from any Canadian civil airport when the weather visibility minimum at those airports is less than 1-mile visibility, but not less than the minimum prescribed by Transport Canada, which is the Canadian Government Agency responsible for establishing such weather visibility minimums. *Grant, June 27, 1991, Exemntion No. 5327.*

[FR Doc. 91–16824 Filed 7–15–91; 8:45 am]

BILLING CODE 4910–13–M

Aviation Security Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Aviation Security Advisory Committee Meeting.

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held August 2, 1991 from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–9863.

SUPPLEMENTARY INFORMATION: Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held August 2, 1991, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The agenda for the meeting is to allow the subcommittee chairs to present subcommittee actions that have occurred since the May 10, 1991 committee meeting. Attendance at the August 2, 1991 meeting is open to the public but limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may

entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at anytime.

Persons wishing to present statements or obtain information should contact the Office of the Assistant Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–9863.

Issued in Washington, DC, on July 1 , 1991.

O. K. Steele,

Assistant Administrator for Civil Aviation Security.

[FR Doc. 91–16825 Filed 7–15–91; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Adminstration

Office of Hazardous Materials Safety; Applications for Modification of Exemptions or Applications To Become a Party to an Exception

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transporation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "X" denote a modification request. Application numbers with the suffix "P" denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before July 31, 1991.

ADDRESSES: Dockets Unit, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Unit, room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Applicant	Renewal of exemption
8735–X	Letica Corporation, Rochester, MI (See Footnote 1).	8735
8874–X	B&F Medical Products, Inc., Toledo, OH (See Footnote 2).	8874
8921–X	Hoover Group, Inc., Beatrice, NE (See Footnote 3).	8921
9282–X	Halocarbon Products Corporation, North Augusta, SC (See Footnote 4).	9282
10346–X	Weyerhaeuser Company, Tacoma, WA (See Footnote 5).	10346
10531–X	LCP Chemicals, Edison, NJ (See Footnote 6).	10531
10636–X	The David J. Joseph Company, Houston, TX (See Footnote 7).	10636

[1] To modify the exemption to provide for vented closures for DOT Specification 34 polyethylene drums.

[2] To convert exemption originally issued as a manufacture, mark and sell to a shipper type exemption authorizing shipment in non-DOT cylinders, of certain hzmat authorized for shipment in DOT 3AL Cylind.

[3] To modify exemption to provide for an additional non DOT specification polyethylene portable tank not to exceed 330 gallons capacity enclosed in a steel jacket wire cage or a fiberboard overpack.

[4] To modify the exemption to provide for additional commodities classed as non-flammable gases to be shipped in multi-unit car tanks.

[5] To modify exemption to provide for an additional commodity classed as nonflammable gas.

[6] To reissue exemption originally issued on an emergency basis to authorize the shipment of chlorine in DOT Specification 105A500W tank cars overdue for tank and safety valve tests.

[7] To reissue exemption originally issued on an emergency basis to authorize shipment of scrap iron contaminated with small amount of radioactive material shipped in a gondola rail car.

Application	Applicant	Parties to exemption
1862-p	Racine Fluid Power, Inc., Racine, WI	1862
6691-p	Mills Welding Supply Inc., Buffalo, NY	6691
6691-p	Wootten Welding Supplies, Inc., Salisbury, MD	6691
7774-p	Drilling Measurements Inc., Broussard, LA	7774
8214-p	InServ Corporation, Lincoln Park, MI	8214
8214-p	Takata, Inc., Aubburn Hills, MI	8214
8236-p	Takata, Inc., Aubburn Hills, MI	8236
8273-p	Takata, Inc., Aubburn Hills, MI	8273
8426-p	Capp Vacuum Truck Service, Bellflower, CA	8426
8519-p	Wallenius Lines North America, Inc., Woodcliff Lake, NJ	8519
8554-p	Explosives Supply Inc., Ringwood, NJ	8554
8554-p	John Joseph, Inc., Ringwood, NJ	8554
8554-p	Pioneer Explosives & Supply, Inc., Whately, MA	8554
8627-p	Petrol, Inc., Long Beach, CA	8627
8697-p	Temsco Helicopters, Inc., Ketcchikan, AK	8697
9271-p	Soo Line Railroad Company, Minneapolis, MN	9271
9507-p	Liquid Carbonic Specialty Gas Corporation, Chicago, IL	9507
9549-p	Drilling Measurements Inc., Broussard, LA	9549
9723-p	Ecoflo, Inc., Greensboro, NC	9723
9916-p	Petrolite Suramericana, S.A., Caracas, Venezuela	9916
10001-p	Liquid Carbonic Specialty Gas Corporation, Chicago, IL	10001
10114-p	Continental Airlines and Continental Express, Denver, CO	10114

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 11, 1991.

Joseph T. Horning,

Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 91–16895 Filed 7–15–91; 8:45 am]

BILLING CODE 4910–60–M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions

from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpat B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment must be received on or before August 15, 1991.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Program; Administration U.S. Department of Transportation; Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, including a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10623-N	U.S. Virgin Island Industrial Gases Inc., St. Thomas, VI.	49 CFR 178.338	To authorize the transportation of cryogenic liquids in non-DOT specification cargo tanks in accordance with Specification MC 338. (modes 1, 3).
10630-N	Autotech Composite, Inc., Huntington Beach, CA.	49 CFR 173.302 (A)(1), 173.304(F), 175.3	To authorize the manufacture, mark and sell of non-DOT specification cylinders for use in transporting flammable and non-flammable gases. (modes 1, 2, 3, 4, 5).
10631-N	NASA, Washington, DC	49 CFR 173.243, 173.244	To authorize the transportation of various classes of material in specifically designed MC-338 cargo tanks, (mode 1).
10632-N	Technical Manufactured Products, Jasper, GA.	49 CFR 178.61-11, 178.61-5	To authorize the use of 304 stainless steel in construction of specification 4BW cylinders to the used for transportation of liquefied petroleum gas. (mode 1).
10633-N	Poly Processing Company, Monroe, LA.	49 CFR 178.19, 178.253, Part 173 Subpart D&F	To authorize the manufacture, mark and sell of non-DOT specification rotationally molded, cross-linked polyethylene portable tanks for transportation of corrosive and flammable liquids. (mode 1).
10634-N	Marathon Pipe Line Co., Martinsville, IL.	49 CGR 173.119, 173.304, 173.315	To authorize the transportation of a trailer mounted mechanical dispacement meter prover for transportion of petroleum crude oil. (mode 1).
10637-N	Norris Cylinder Company, Longview, TX.	49 CFR 178.37	To authorize the manufacture, mark and sell of non—DOT seamless steel cylinders in compliance with the requirements of DOT FRP-2 constructed with carbon alloy steel liner and taper threads for end closures for transporting flammable and nonflammable gas. (modes 1, 2, 3, 4).
10639-N	Atlantic Electric, Pleasantville, NJ	49 CFR 179.200-17(a)(b)(iv)	To authorize the transportation of fuel oil in rail cars equipped with exterior coiled, insulated double-self couplers and bottom outlet valves. (mode 2).
10640-N	IRECO Incorporated, Salt Lake City, UT.	49 CFR 173.154	To authorize the bulk transportation of oxidizer, n.o.s. I DOT-Specification 11A60ALW tank cars. (modes 2, 3).

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC. on July 11, 1991.

Joseph T. Horning

Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 91-16896 Filed 7-15-91; 8:45 am]

BILLION CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 91-62]

Approval of General Maritime Corp. as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of approval of General Maritime Corp. as a commercial gauger.

SUMMARY: General Maritime Corp. of Stamford, Connecticut recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that General Maritime Corp. meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, General Maritime Corp., Two Stamford Landing, Southfield Ave., Stamford, Connecticut 06902 is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: July 8, 1991.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-2446).

Dated: July 11, 1991

Lyal V.S. Hood,

Acting Director, Office of Laboratories and Scientific Services.

[FR Doc. 91-16849 Filed 7-15-91; 8:45 am]

BILLING CODE 4820-02-M

Office of Thrift Supervision

[AC-31; OTS No. 2983]

American Federal Savings Bank, East Grand Forks, Minnesota; Final Action; Approval of Conversion Application

Notice is hereby given that on July 2, 1991, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of American Federal Savings Bank, East Grand Forks, Minnesota, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the

Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and Deputy Regional Director, Office of Thrift Supervision, 1401 50th Street, West Des Moines, Iowa 50265–1013.

Dated: July 10, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–16831 Filed 7–15–91; 8:45 am]

BILLING CODE 6720–01–M

[AC–29; OTS No. 0366]

Cooperative Savings and Loan Association, Wilmington, North Carolina; Notice of Final Action; Approval of Conversion Application

Notice is hereby given that on June 21, 1991, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of Cooperative Savings and Loan Association, Wilmington, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, Georgia 30348–5217.

Dated: July 10, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–16832 Filed 7–15–91; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 136
Tuesday, July 16, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, July 18, 1991.

LOCATION: Room 556, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Section 15 Interpretive Rule.

The Commission will consider those portions of the draft Federal Register Notice proposing amendments to the Commission rules interpreting Section 15 of the Consumer Product Safety Act concerning whether Section 15 reporting requirements should apply to voluntary standards the Commission may have relied on prior to the enactment of the 1990 Consumer Product Safety Improvement Act.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 492–6800.

Dated: July 12, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–17056 Filed 7–12–91; 3:12 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Notice

July 10, 1991.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–49), U.S.C. 552B:

DATE AND TIME: July 17, 1991, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 941st Meeting—July 17, 1991, Regular Meeting (10:00 a.m.)

CAH–1.
Docket No. RM90–3–001, California Save Our Streams Council
CAH–2.
Project No. 3451–024, Beaver Falls Municipal Authority
CAH–3.
Project No. 10896–001, City of Danville, Virginia
CAH–4.
Project No. 8436–081, Smith Falls Hydropower
CAH–5.
Project Nos. 10897–001, 10971–000 and 10982–000, Russell Canyon Corporation and Bryant Mountain Hydroelectric Associates
CAH–6.
Docket No. UL90–6–002, Habersham Mills
CAH–7.
Project No. 8499–004, City of Redding, California
CAH–8.
Project No. 5223–009, International Falls Power Corporation
CAH–9.
Project No. 2438–002, New York State Electric & Gas Corporation
CAH–10.
Project No. 10521–004, Mahoning Hydro Associates
CAH–11.
Project No. 8263–004, Summit Hydropower
CAH–12.
Project No. 10819–000, Idaho Water Resources Board
Project No. 10830–000, Nez Perce Tribe
Project No. 10832–000, Pacific Western, Inc.
CAH–13.
Project No. 1981–002, Oconto Electric Cooperative
CAH–14.
Project No. 2370–024, Pennsylvania Electric Company
CAH–15.
Project No. 11080–001, Eagle Mountain Energy Company
CAH–16.
Project No. 1417–032, Central Nebraska Public Power and Irrigation District.

Consent Agenda—Electric

CAE–1.
Docket No. ER91–427–000, New England Power Company
CAE–2.
Docket No. ER91–176–001, PSI Energy, Inc. and Consumers Power Company
CAE–3.
Docket No. ER91–95–001, Puget Sound Power & Light Company
CAE–4.
Docket No. ER84–75–011, (Phase II), Southern California Edison Company
CAE–5.
Docket Nos. ER91–143–001 and EL91–15–001, Public Service Company of New Hampshire
Docket No. ER91–235–001, New England Power Company
CAE–6.
Docket Nos. EL89–7–001 and FA86–63–001, Louisiana Power & Light Company
CAE–7.
Docket No. FA88–8–001, Century Power Corporation
CAE–8.
Docket No. EL91–13–001, Northern States Power Company (Minnesota) v. Southern Minnesota Municipal Power Agency
CAE–9.
Docket Nos. ER88–525–001, ER89–557–001, ER89–632–001, ER90–379–001, ER90–511–001 and ER90–534–001, Commonwealth Edison Company
Docket No. ER88–601–001, Texas Utilities Company
Docket Nos. ER89–144–001 and ER90–555–001, Southwestern Electric Power Company
Docket No. ER89–349–002, Wisconsin Power & Light Company
Docket No. ER89–355–001, CP National Corporation
Docket No. ER89–545–001, Public Service Company of Oklahoma
Docket No. ER89–614–001, Central Illinois Public Service Company
Docket No. ER90–493–001, Central Power and Light Company
CAE–10.
Docket Nos. EL91–39–000 and ER90–245–000, Canal Electric Company
CAE–11.
Docket No. EL91–10–000, City of Camden, South Carolina v. Carolina Power & Light Company
CAE–12.
Docket Nos. ER79–97–001 through 014, EL86–26–007, ER87–45–005, EL89–17–000, EL89–18–000, EL86–34–001, 002, EL86–36–001, ES87–23–000 and FA88–8–000, Century Power Corporation and San Diego Gas and Electric Corporation
CAE–13.
Docket Nos. EL91–196–000 and EL91–017–000, Washington Water Power Company
CAE–14.
Docket No. ER90–289–003, Central Power and Light Company
Docket No. EL90–36–000, Public Utilities Board of the City of Brownsville, Texas, *et al.* v. Central Power and Light Company
CAE–15.
Docket No. ER90–39–001, Central Louisiana Electric Company, Inc.

CAE–16.
Docket No. FA90–36–000, Green Mountain Power Corporation
CAE–17.
Docket No. RM91–14–000, Rescission of Regulations Pertaining to Utility Requirement to Report on Form No. EIA–767
CAE–18.
Docket No. RM91–15–000, Change of Name in Form No. EIA–714, Annual Electric Control and Planning Area Report
CAE–19.
Docket No. EL89–25–000, Kentucky Utilities Company

Consent Agenda—Miscellaneous

CAM–1.
Docket No. RO86–22–000, MAPCO International, Inc.

Consent Agenda—Oil and Gas

CAG–1.
Docket No. RP91–177–000, Wyoming Interstate Company, Ltd.
CAG–2.
Docket No. RP91–175–000, Tennessee Gas Pipe Line Company
CAG–3.
Omitted
CAG–4.
Omitted
CAG–5.
Docket No. TQ91–2–40–000, Raton Gas Transmission Company
CAG–6.
Docket No. TM91–8–21–000, Columbia Gas Transmission Corporation
CAG–7.
Docket Nos. RP91–47–005 and TM91–5–16–000, National Fuel Gas Supply Corporation
CAG–8.
Docket No. RP91–107–001, Williams Natural Gas Company
CAG–9.
Docket Nos. TA91–1–28–001 and 002, Panhandle Eastern Pipe Line Company
CAG–10.
Docket No. PR91–11–000, Red River Gas Pipeline Corporation
CAG–11.
Docket No. PR91–12–000, Louisiana Intrastate Gas Corporation
CAG–12.
Docket No. RP85–60–000 and 003, Overthrust Pipeline Corporation
CAG–13.
Docket No. RP91–47–004, National Fuel Gas Supply Corporation
CAG–14.
Docket No. RP91–133–001, Florida Gas Transmission Company
CAG–15.
Docket No. RP91–139–001, El Paso Natural Gas Company
CAG–16.
Docket No. RM91–2–009, Mechanism for Passthrough of Take-or-pay Buyout and Buydown Costs
Docket Nos. RP85–209–035, RP89–147–012 and 006, United Gas Pipe Line Company
CAG–17.
Docket No. RP91–123–002, Canyon Creek Compression Company
CAG–18.
Docket No. RP91–26–006, El Paso Natural Gas Company
CAG–19.
Docket No. RP88–28–002, Northern Illinois Gas Company v. Natural Gas Pipeline Company of America
CAG–20.
Docket Nos. RP91–22–003, and RP91–31–002, Natural Gas Pipeline Company of America
Docket No. RP91–26–002, El Paso Natural Gas Company
Docket No. RP91–29–005, Tennessee Gas Pipeline Company
Docket No. RP91–46–003, Mississippi River Transmission Corporation
Docket No. RP91–47–002, National Fuel Gas Supply Corporation
Docket Nos. RP91–52–002 and RP91–53–004, Panhandle Eastern Pipe Line Company
Docket No. RP91–54–004, Trunkline Gas Company
Docket No. RP91–56–004, Williston Basin Interstate Pipeline Company
Docket No. RP91–51–002, CNG Tranmission Corporation
Docket No. RP91–67–001, Granite State Gas Transmission, Inc.
CAG–21.
Docket No. RP91–11–002, Arkla Energy Resources, a Division of Arkla, Inc.
CAG–22.
Docket Nos. RP91–22–000, 002, 003, 004, RP91–31–000, 001, 002, 003, 004, CP89–1281–007, 008, TA90–1–28–000, RP88–94–000, 001, 010, 012, 014, 015, 019, 020, 024, 025, 026, 028, 029, RP89–131–000, RP89–188–000, 002, RP89–189–000, 001, 002, RP90–24–000, 001, RP90–140–000, RP90–146–000, TM89–2–26–000, TM89–3–26–000, TM89–4–26–000, 001, TM90–2–26–000, 001, TM90–4–26–000, TM90–5–26–000, TM90–6–26–000, TM90–7–26–000, TM90–8–26–000, TM90–9–26–000, TM91–2–26–000, TM91–3–26–000, TM91–6–26–000, TM91–7–16–000 and TM91–7–26–000, Natural Gas Pipeline Company of America
CAG–23.
Omitted
CAG–24.
Omitted
CAG–25.
Docket No. TM91–8–29–001, Transcontinental Gas Pipe Line Corporation
CAG–26.
Docket No. TM90–5–17–001, Texas Eastern Transmission Corporation
CAG–27.
Omitted
CAG–28.
Omitted
CAG–29.
Docket No. RP87–115–000, Williston Basin Interstate Pipeline Company
CAG–30.
Docket Nos. RP90–70–000, RP91–13–000, CP91–1630–000 and CP91–1631–000, Equitrans, Inc.
CAG–31.
Docket Nos. RP91–46–000, 001, 004, RP91–71–000, 002, RP91–95–000, 002 and TA88–2–25–000, Mississippi River Transmission Corporation
CAG–32.
Docket No. RP91–12–000, Granite State Gas Transmission, Inc.
CAG–33.
Docket No. ST91–8973–000, The Nueces Company
Docket No. ST91–8974–000, Red River Gas Pipeline Corporation
Docket No. ST91–8975–000, Delhi Gas Pipeline Corporation
CAG–34.
Docket No. GP88–13–001, Damson Oil Corporation and The GHK Company
CAG–35.
Omitted
CAG–36.
Docket Nos. CP89–646–001 and CP89–654–001, Champlain Pipeline Company.
Docket No. CP87–92–007, Texas Eastern Transmission Corporation.
CAG–37.
Docket No. CP88–171–009, Tennessee Gas Pipeline Company
Docket No. CP89–710–005, Trancontinental Gas Pipe Line Corporation
CAG–38.
Docket No. CP90–1248–001, Texas Eastern Transmission Corporation and United Gas Pipe Line Company
CAG–39.
Docket No. CP90–68–001, Tennessee Gas Pipeline Corporation
CAG–40.
Docket No. CP91–50–001, Sumas Energy, Inc.
CAG–41.
Docket No. CP91–500–001, El Paso Natural Gas Company and Western Gas Interstate Company
CAG–42.
Docket No. CP90–1292–001, East Tennessee Natural Gas Company
CAG–43.
Docket No. CP90–644–001, Columbia Gas Transmission Corporation and Commonwealth Gas Pipeline Corporation
CAG–44.
Docket No. CP91–2276–000, Western Gas Interstate Company
CAG–45.
Docket No. CP91–2256–000, Viking Gas Transmission Company
CAG–46.
Docket Nos. CP91–2208–000, CP91–2212–000, CP91–2213–000, CP91–2214–000 and CP91–2215–000, Williston Basin Interstate Pipeline Company
CAG–47.
Docket No. CP91–2116–000, Arkla Energy Resources, a Division of Arkla, Inc.
CAG–48.
Omitted.
CAG–49.
Docket No. CP89–634–007, Iroquois Gas Transmission System, L.P.
CAG–50.
Omitted
CAG–51.
Omitted
CAG–52.
Docket No. CP90–58–000, New England Power Company and The Narragansett Electric Company
CAG–53.

Docket No. CI91–52–000, Providence Gas Company and Prov Energy Investments, Ltd.
Docket No. CI91–28–000, Northern Minnesota Utilities
Docket No. CI91–75–000, Peoples Natural Gas Company, Division of UtiliCorp United, Inc.
Docket No. CI91–78–000, Gulf States Pipeline Corporation
Docket No. CI91–79–000, Transok, Inc.
CAG–54.
Docket No. CI91–33–000, JMC Fuel Services, Inc.
Docket No. CI91–35–000, Connecticut Natural Gas Corporation
CAG–55.
Docket No. CP88–14–000, ANR Pipeline Company
CAG–56.
Docket No. CP89–1264–000, Texas Eastern Transmission Corporation
CAG–57.
Docket No. CP91–65–000, Florida Gas Transmission Company
CAG–58.
Docket No. CP91–1350–00, Associated Natural Gas Company, a division of Arkansas Western Gas Company
CAG–59.
Docket No. CP91–786–000, Florida Gas Transmission Company
CAG–60.
Docket No. CP91–1167–000, Southern Natural Gas Company
CAG–61.
Docket No. CP91–359–000, El Paso Natural Gas Company
Docket No. CP91–360–000, American Central Gas Companies, Inc.
CAG–62.
Omitted.
CAG–63.
Omitted
CAG–64.
Docket No. CP91–1828–000, Panhandle Eastern Pipe Line Company
CAG–65.
Docket Nos. RP88–211–012, RP91–3–002, RP90–143–004, RP90–65–005, RP90–27–002, RP89–204–003, RP88–215–003, RP88–125–003, RP88–10–008, RP85–169–051, CP91–554–002, CP88–574–006, CP88–779–005, CP86–311–006, CP80–292–005, TA90–1–22–009, TA89–1–22–005, TA88–2–22–010, and TQ88–1–22–005, CNG Transmission Corporation
Docket No. RP91–179–000, The Algonquin Customer Group v. Texas Eastern Transmission Corporation

Hydro Agenda

H–1.
Reserved

Electric Agenda

E–1.
Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Docket Nos. RM91–11–000, In Re Pipeline Service Obligations. Notice of Proposed Rulemaking.
PR–2(A).
Docket Nos. RP88–262–000, CP89–917–000, TA89–1–28–000, TA90–1–28–000 and RP88–88–008, Panhandle Eastern Pipe Line Company. Initial Decision.
PR–2(B).
Docket No. RP87–103–000, Panhandle Eastern Pipe Line Company. Settlement
PR–3(A).
Docket No. RP91–65–001, Arkla Energy Resources, a Division of Arkla, Inc. Order on rehearing.
PR–3(B).
Docket No. RP91–65–002, Arkla Energy Resources, a Division of Arkla, Inc. Order on tariff filing.
PR–4(A).
Docket No. PL91–2–000, Interstate Natural Gas Pipeline Rate Design. Policy statement with respect to the recovery of gathering costs.
PR–4(B).
Docket No. RP87–15–019, Trunkline Gas Company. Order on initial decision.
PR–4(C).
Docket No. RP87–15–001, Trunkline Gas Company. Order on rehearing.
PR–4(D).
Docket No. RP87–15–027 (Phase I), Trunkline Gas Company. Order on remand.
PR–4(E).
Docket Nos. RP87–15–026 and 028, Trunkline Gas Company. Order on rehearing.
PR–5.
Docket Nos. RP89–183–022, 023, 024 and TC89–8–001, Williams Natural Gas Company. Order on settlement.
PR–6.
Docket Nos. RP88–197–000 and RP88–236–000, Williston Basin Interstate Pipeline Company. Order on initial decision.

II. Producer Matters

PF–1.
Reserved

III. Pipeline Certificate Matters

PC–1.
Docket No. RM90–1–000, Revisions to Regulations Governing Certificates for Construction. Final Rule.
PC–2.
Docket No. RM90–7–000, Revisions to Regulations Governing Transportation Under Section 311 of the Natural Gas Policy Act of 1978 and Blanket Transportation Certificates.
Docket No. GP88–11–002, Hadson Gas Systems, Inc.
Docket No. CP88–286–004, Cascade Natural Gas Corp. v. Northwest Pipeline Corporation, *et al.*
Docket Nos. RP88–81–014, RP88–67–033 and RP88–175–002, Texas Eastern Transmission Corporation. Final Rule.
PC–3.
Docket Nos. CP90–1372–000, 001, CP90–1373–000, 001, CP90–1374–000, 001, CP90–1375–000 and 001, Altamont Gas Transmission Company. Order on application for certificates.
PC–4.
Docket Nos. CP89–460–000, 001, 003, 006, 007 and CP90–1–000, Pacific Gas Transmission Company. Order on application for certificates.
PC–5.
Docket No. CP90–2214–000, El Paso Natural Gas Company. Order on application for certificates.
PC–6.
Docket Nos. CP90–2294–000 and 001, Transwestern Pipeline Company. Order on application for certificates.

Lois D. Cashell,

Secretary.

[FR Doc. 91–16951 Filed 7–11–91; 4:44 p.m.]

BILLING CODE 6717–01–M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 91–16675.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, July 18, 1991, 10:00 A.M.

This meeting will be open to the public.

The following item was added to the agenda:

Presidential Primary Matching Fund Submission with Certification Procedures: Final Rules and Explanation and Justification.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 376–3155.

Delores Harris,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 91–17061 Filed 7–12–91; 3:37 pm]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 10:00 a.m. Tuesday, July 23, 1991.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public:

The Board will consider the following:

1. Monthly Reports
   A. District Bank Directorate
   B. Housing Finance Directorate
2. Proposed Director Eligibility Regulations

ortions Closed to the Public:

The Board will consider the following:

1. Examination Report
2. Dividend Policy

The above matters are exempt under one or more of sections 552 (c)(2), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 91–17062 Filed 7–12–91; 3:58 pm]

BILLING CODE 6725–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 10:00 a.m. Wednesday, July 24, 1991.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Board will consider the following:

1. Legislative/Strategic Plan Discussion
2. Wauwatosa Update
3. Member Correspondent Services
4. Office of Finance
5. Board Management Issues
6. Housing Finance Issues

The above matters are exempt under one or more of sections 552 (c)(2), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 91–17063 Filed 7–12–91; 3:58 pm]

BILLING CODE 6725–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, July 22, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 12, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–17064 Filed 7–12–91; 3:59 pm]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

TIME AND DATES: 9:30 a.m.–4:30 p.m., Wednesday and Thursday, July 17 and 18, 1991.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Public Hearings Concerning Environmental Claims and Product Labeling and Marketing.

CONTACT PERSON FOR MORE INFORMATION: Bonnie Jansen, Office of Public Affairs: (202) 326–2178, Recorded Message: (202) 326–2711.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 91–16968 Filed 7–12–91; 8:46 am]

BILLING CODE 6750–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–91–22]

TIME AND DATE: Tuesday, July 23, 1991 at 10:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda of future meetings.
2. Minutes.
3. Ratifications.
4. Petitions and complaints.
5. Inv. 731–TA–523 (Preliminary) (Commercial Microwave Ovens).
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: July 10, 1991.

Kennth R. Mason,

Secretary.

[FR Doc. 91–17013 Filed 7–12–91; 12:34 pm]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–91–20]

TIME AND DATE: Monday, July 15, 1991 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Minutes.
2. Ratifications.
3. Petitions and complaints.
4. Inv. 731–TA–471 (Final) (Silicon metal from Brazil)—briefing and vote.
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: July 2, 1991.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–17014 Filed 7–12–91; 12:34 pm]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–91–21]

TIME AND DATE: Wednesday, July 17, 1991 at 10:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Minutes.
2. Ratifications.
3. Petitions and complaints—Certain Vacuum Cleaners (Docket No. 1630).
4. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: July 2, 1991.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–17015 Filed 7–12–91; 12:34 pm]

BILLING CODE 7020–02–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, July 23, 1991.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5537 Safety Study: Oversight of Rail Rapid Transit Safety.

5413A Railroad Accident Report: Collision of Atchison, Topeka and Santa Fe Railway Freight Trains No. ATSF 818 and 891, Corona, California, November 7, 1990.

5185A Reconsideration of Probable Cause: Conrail Train Collision with Track at Grade Crossing, Carteret, New Jersey, December 6, 1988.

NEWS MEDIA CONTACT: Telephone (202) 382–6600.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: July 12, 1991.

Ray Smith,

Alternate Federal Register Liaison Officer.

[FR Doc. 91–17049 Filed 7–12–91; 2:09 pm]

BILLING CODE 7533–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors.

TIME AND DATE: 10:00 a.m., Wednesday, July 24, 1991.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, N.W.—8th Floor Board Room, Washington, D.C. 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary (202) 376–2441.

AGENDA:

I. Call to Order
II. Approval of Minutes:
  May 22, 1991, Annual Meeting
III. Board Appointment
IV. Budget Committee Report:
  a. Proposed FY91 Reallocation
  b. Proposed FY92 Budget Request
  c. Proposed FY93 OMB Submission
V. Budget and Financial Reports
VI. Executive Director's Quarterly Management Report
VII. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 91–16950 Filed 7–11–91; 4:13 am]

BILLING CODE 7570–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of July 15, 22, 29, and August 5, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Close.

MATTERS TO BE CONSIDERED:

Week of July 15

Tuesday, July 16

10:00 a.m.
  Periodic Briefing on EEO Program (Public Meeting)

Friday, July 19

10:00 a.m.
  Briefing on Generic Environmental Impact Statement for License Renewal and Proposed Part 51 Rule (Public Meeting)
11:30 a.m.
  Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of July 22—Tentative

Thursday, July 25

1:30 p.m.
  Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
3:00 p.m.
  Affirmation/Discussion and Vote. (Public Meeting)
  a. Amendment to Fitness-for-Duty Rule (Tentative)

Friday, July 26

10:00 a.m.
  Briefing by NRC Staff on Recommendations Regarding Yankee Rowe Pressure Vessel Embrittlement Issues (Public Meeting)

Week of July 29—Tentative

Wednesday, July 31

2:30 p.m.
  Affirmation/Discussion and Vote (Public Meeting)
  a. Commission Decision Regarding Yankee Rowe Reactor Vessel (Tentative)

Thursday, August 1

3:30 p.m.
  Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of August 5—Tentative

Monday, August 5

10:00 a.m.
  Briefing on AEOD Programs (Public Meeting)
11:30 a.m.
  Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 492–0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: July 12, 1991.

Andrew L. Bates,

Office of the Secretary.

[FR Doc. 91–17058 Filed 7–12–91; 3:33 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 56, No. 136
Tuesday, July 16, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV-90-203]

Fresh Tomatoes; Grade Standards

Correction

In rule document 91-11309 beginning on page 21913 in the issue of Monday, May 13, 1991, make the following corrections:

1. On page 21914, in the 2d column, in the 3rd paragraph, in the 12th line "muture" should read "mature", and in the 15th line "trial" was misspelled.

§ 51.1859 [Corrected]

2. On page 21915, in the first column, in § 51.1859(b), in the first line, "marking" was misspelled.

3. On the same page, in the second column, in § 51.1859, in footnote 1 at the end of the table, in the last line "openings" should read "opening".

BILLING CODE 1505-01-D

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Additions

Correction

In notice document 91-16174 beginning on page 30904 in the issue of Monday, July 8, 1991, make the following correction:

1. On page 30904, in the third column, in the second line from the bottom "P.S. Item No. 1257," should read "P.S. Item No. 1257-L".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[General Docket No. 89-349; FCC 91-145]

Importation of Radio Frequency Devices

Correction

In rule document 91-13712 beginning on page 26616 in the issue of Monday, June 10, 1991, make the following correction:

§ 2.1203 [Corrected]

On page 26619, in the second column, in § 2.1203(d), in the second line, "§ 1.1203" should read "§ 2.1203".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Notice of Meetings

Correction

In notice document 91-15784 beginning on page 30590 in the issue of Wednesday, July 3, 1991, make the following correction:

On page 30591, in the first column, in the fifth line from the top of the page, "Grade" should read "Grand".

BILLING CODE 1505-01-D

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 86-7B]

Cable Compulsory License; Definition of Cable Systems

Correction

In proposed rule document 91-16413 beginning on page 31580 in the issue of Thursday, July 11, 1991, in the first column, under **DATES**, in the last line, "August 12, 1991." should read "October 9, 1991.".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[No. 91-229]

RIN 15550-AA25

Minimum Security Devices and Procedures

Correction

In rule document 91-15361 beginning on page 29565 in the issue of Friday, June 28, 1991, make the following correction:

§ 563.180 [Corrected]

On page 29566, in the third column, in § 563.180(d)(2), in the seventh line, "and" should read "any".

BILLING CODE 1505-01-D

federal register

Tuesday
July 16, 1991

Part II

Department of Education

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps; Notices of Final Priority and Inviting Applications for New Awards

DEPARTMENT OF EDUCATION

Rehabilitation Services Administration; Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps; Notice of Final Priority for Fiscal Year 1991

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1991.

SUMMARY: The Secretary announces a final priority for fiscal year (FY) 1991 for service activities to be supported under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps.

EFFECTIVE DATES: This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: David W. Myers, Office of Program Operations, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, room 3219) Washington, DC 20202–2575. Telephone (202) 732–1394 (voice) or (202) 732–1330 (TDD).

SUPPLEMENTARY INFORMATION: Grants under the Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps are authorized by title III, section 311(a)(1) of the Rehabilitation Act of 1973, as amended. The purpose of this program is to expand and otherwise improve rehabilitation services to individuals with the most severe handicaps.

Eligible Applicants

Under the Program of Special Projects and Demonstrations, awards are made to States and other public and private nonprofit agencies and organizations.

On April 9, 1991 the Secretary published a notice of proposed priority for this program in the **Federal Register** (56 FR 14457). Changes have been made since publication of the proposed priority to clarify that project services may be provided to individuals who are hard of hearing as well as to deaf individuals and to clarify the meaning of "low-functioning."

Note: This notice of final priority does *not* solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, eight parties submitted comments. All of the comments supported the establishment of a priority for low-functioning deaf adults. Some of the commenters asked, however, for changes or greater clarification in the priority. An analysis of the comments and the Secretary's responses follow.

Comments: Two commenters asked that funding of projects under this priority be for a multi-year period to ensure project continuity and the achievement of more successful outcomes.

Discussion: The Secretary agrees that demonstration projects for this traditionally underserved population should be funded for longer than one year.

Changes: As indicated in the application notice soliciting proposals for this priority published in this issue of the **Federal Register**, the project period for awards under this priority will be up to 24 months.

Comments: One commenter suggested that for-profit organizations should be eligible for grants under this priority.

Discussion: The statutory authority for the Special Projects program, under which this priority is being funded, specifies that eligible applicants are States and other public and private nonprofit agencies and organizations. Therefore, for-profit entities are not eligible for an award under this priority.

Changes: None.

Comments: One commenter stated that the priority requires that projects provide services that are not adequately available in the geographic area proposed to be served, but does not specify who determines whether current services to this population are inadequate.

Discussion: It is the responsibility of each applicant to demonstrate in its application that there is a need for the project by showing that the services it proposes to provide to low-functioning deaf adults are not adequately available in the project area.

Changes: None.

Comments: One commenter questioned why the priority was limited to low-functioning deaf adults and did not cover the rehabilitation needs of all individuals who are deaf and hearing impaired.

Discussion: The priority reflects the intent of Congress that services be provided to low-functioning deaf adults because this population has traditionally been underserved. Congress directed in conference report language accompanying the Department's 1991 appropriation that funds from the Special Projects program be set aside to support projects for this particular disability population.

Changes: None.

Comments: Three commenters asked for additional clarification of the term "low-functioning adults who are deaf." One of these commenters asked whether project services could be provided to individuals who are hearing-impaired but not totally deaf. Another commenter suggested that the priority define "low-functioning" by specifying particular measures of low function, such as poor English literacy skills, severe information deficits, and low self-esteem and coping strategies.

Discussion: The Secretary agrees that the target population in the priority needs to be described more clearly. The Secretary intends that the service recipients for this priority be deaf adults, including individuals who are hard of hearing, who are low-functioning and who may also have secondary disabilities. The Secretary considers low-functioning to refer to an individual whose functional level is substantially below that required for admission to postsecondary education or training programs, who is not employment-ready, and who does not have marketable work skills or a history of successful employment. An additional measure of low function would also be limited language and communication skills. The Secretary believes that the measures of low function cited by one of the commenters could be used also to define the target population for this priority.

Changes: Language has been added to the priority to clarify that low-functioning adults who are hard of hearing can also receive project services and to define what is meant by "low-functioning."

Comments: One commenter stated that there is a need for funding projects under this priority that address the service needs of minority deaf individuals who are low-functioning and that demonstrate supported employment and independent living programming for this population.

Discussion: The target population under the priority covers deaf adults who are low-functioning, including minority individuals. The priority specifically requires that each project address the supported employment needs of service recipients. Because the purpose of the priority is to maximize the vocational potential of low-functioning deaf adults, all project services must be employment-related.

The provision of independent living services as a primary service would be outside of the scope of the priority.

Changes: None.

Comments: One commenter stated that funding is needed to train service providers, such as literacy tutors with sign language skills and independent living specialists, to work with low-functioning deaf adults.

Discussion: The focus of the priority is the direct provision of services to deaf individuals. While the Secretary agrees that training service providers to work with this population is important, training activities of this nature are outside of the scope of the priority. The Secretary wishes to point out that the National Institute on Disability and Rehabilitation Research within the Department is currently funding a Rehabilitation Research and Training Center on the Rehabilitation of Low-Functioning Deaf Adults at Northern Illinois University. The activities of this center include the training of service providers. Projects funded under this priority are required to coordinate with this center. In addition, the Secretary will give consideration to funding this area of personnel shortage in developing fiscal year 1992 priorities under the Rehabilitation Training Programs.

Changes: None.

Comments: One commenter asked that the priority be modified to permit the development of captioned videos covering independent living and vocational topics and other types of training materials.

Discussion: The development of training materials for this population, while needed, is outside of the scope of the priority.

Changes: None.

Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) 34 CFR 75.105(c)(3), the Secretary sets aside funds and gives an absolute preference to applications that respond to the final priority described in this notice for fiscal year 1991; that is, the Secretary selects for funding only those applications proposing projects that meet this priority.

Priority will be given to projects that propose to provide vocational rehabilitation and other rehabilitation services, not otherwise adequately available in the geographic area proposed to be served, to maximize the vocational potential of low-functioning adults who are deaf, including individuals who are hard of hearing, and who may also have secondary disabilities. For purposes of this priority, low-functioning refers to an individual who is deaf or hard of hearing whose functional level is substantially below that required for admission to post-secondary education or training programs, who is not employment-ready, and who does not have marketable work skills or a history of successful employment. In addition, the ability of these individuals to communicate and their language skills may be extremely limited. A project must coordinate with other public and private nonprofit agencies and organizations to address the postsecondary education, counseling, vocational training, work transition, supported employment, job placement, follow-up, and community outreach needs of low-functioning adults who are deaf.

Projects must have or develop working relationships with existing vocational and educational programs for adult persons who are deaf, such as the Regional Postsecondary Education Programs for the Deaf (RPEPD) supported by the Department of Education. Projects must coordinate with the Rehabilitation Research and Training Center on the Rehabilitation of Low-Functioning Deaf Individuals at Northern Illinois University and the Research and Training Center on Deafness at the University of Arkansas, and the results of the projects funded under this priority must be made available to these Research and Training Centers for dissemination. Each project must also establish relationships with potential employers from the public and private sector and have access to community-based resources serving adults who are deaf (for example, organizations of persons who are deaf, groups providing special activities for persons who are deaf, and employment settings where there are workers who are deaf).

In accordance with the selection criteria in §§ 369.31(d) and 373.30(d), an applicant shall provide an evaluation plan for the project showing methods of evaluation that, to the extent possible, are objective and produce data that are quantifiable. Under § 373.30(i)(2), the applicant shall provide information that shows the potential for project findings to be effectively utilized within the State vocational rehabilitation service system and the likelihood of the project activities being successfully replicated in other locations.

The staff for the project must be experienced in the delivery of services, such as vocational evaluation, peer counseling, personal adjustment, job coaching, community-based instruction, and placement, to deaf adults who are low-functioning. The staff must also be experienced in communicating with adult persons who are deaf and who have minimal language skills.

A project must involve individuals who are deaf and representatives of RPEPDs or other appropriate service programs for individuals who are deaf in the planning, implementation, operation, and evaluation of the project and dissemination of project results. A project must provide technical assistance to facilities and agencies in areas such as outreach, using a coordinated approach to the delivery of services, and on-site training and workshops. The technical assistance must be designed to facilitate the wide dissemination of practices and materials developed by the project and to facilitate the capacity of agencies and facilities to provide improved services to deaf adults who are low-functioning.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Authority: 29 U.S.C. 777a(a)(1).

Dated: June 17, 1991.

Lamar Alexander,

Secretary of Education.

Catalog of Federal Domestic Assistance Number 84.235F, Rehabilitation Services Administration.

[FR Doc. 91-16822 Filed 7-15-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.235F]

Program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1991.

Purpose of Program: This program provides support to States and other public and private nonprofit agencies and organizations to expand and otherwise improve rehabilitation

services to individuals with the most severe handicaps.

Supplementary Information: Awards under this competition are to support vocational rehabilitation and other rehabilitative services that maximize the vocational potential of low-functioning adults who are deaf, including individuals who are deaf and have a secondary disability.

Eligible Applicants: States and other public and private nonprofit agencies and organizations are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: August 16, 1991.

Deadline for Intergovernmental Review: August 26, 1991.

Applications Available: July 17, 1991.

Available Funds: $966,000.

Estimated Range of Awards: $400,000–$500,000.

Estimated Average Size of Awards: $483,000.

Estimated Number of Awards: 2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 373.

The priority in the notice of final priority for this program, as published in this issue of the **Federal Register** also applies.

For Applications or Information Contact: David W. Myers, U.S. Department of Education, 400 Maryland Avenue, SW., room 3219 Switzer Building, Washington, DC 20202–2736. Telephone: (202) 732–1394 (voice), or (202) 732–1330 (TDD).

Authority: 29 U.S.C. 777a(a)(1)

Dated: July 10, 1991.

Robert R. Davila,

Assistant Secretary, Office of Special Education, and Rehabilitative Services.

[FR Doc. 91–16823 Filed 7–15–91; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
July 16, 1991

Part III

Department of the Interior

Bureau of Indian Affairs

Plan for the Use of the Seminole Nation of Oklahoma Indian Judgment Funds in Docket Nos. 73 and 151 Before the Indian Claims Commission

DEPARTMENT OF THE INTERIOR

Plan for the Use of the Seminole Nation of Oklahoma Indian Judgment Funds in Docket Nos. 73 and 151 Before the Indian Claims Commission

June 27, 1991.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

EFFECTIVE DATE: This plan was effective on May 15, 1991.

FOR FURTHER INFORMATION CONTACT: Terry Lamb, Historian, Bureau of Indian Affairs, Branch of Acknowledgment and Research, MS 2612–MIB, 1849 C Street, NW., Washington, DC 20240, 202–208–3592.

SUPPLEMENTARY INFORMATION: The Act of April 30, 1990 (Pub. L. 101–277, 101 Stat. 143), requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission to the Seminole Nation of Oklahoma. Funds were appropriated on June 1, 1976, in satisfaction of the award granted the Seminole Nation before the Indian Claims Commission in Dockets 73 and 151. The plan for the use of the funds was submitted to Congress with a letter dated January 30, 1991, and was received (as recorded in the Congressional Record) by the Senate on February 5, 1991, and by the House of Representatives on February 4, 1991. The plan became effective on May 15, 1991, as provided by the 1990 Act, since a joint resolution disapproving it was not enacted. The plan reads as follows:

Plan for the Use of the Seminole Nation of Oklahoma's Share of Judgment Funds in Dockets 73 and 151 Before the Indian Claims Commission

The Seminole Nation of Oklahoma's share (75.404%) of funds appropriated June 1, 1976, in satisfaction of the award granted the Seminole Nation in consolidated Dockets 73 and 151 before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued shall be used as herein provided.

One hundred percent (100%) of the funds shall be invested by the Secretary of the Interior for the Seminole Nation of Oklahoma. The principal, interest and investment income accrued shall be available for use by the tribal governing body on a budgetary basis for programs and services established in accordance with priorities determined by the tribal governing body in program areas which may include, but are not limited to: Health, education, social services, elderly, housing, general community improvement, economic and business development, expansion and preservation of the tribal land base, and tribal government support and development. Any budget which would cause the available principal to fall below $35,000,000.00, must be approved by at least two-thirds of the qualified voters of the tribe voting on the budget referendum in a general or special election.

If in the future the Seminole Nation of Oklahoma desires to undertake investment of some portion or all of the funds, the tribal governing body may present an investment plan to the Secretary for approval. Approval shall be granted within sixty (60) calendar days of receipt of the investment plan unless the Secretary determines, in writing, that the plan would not be reasonable or prudent or would otherwise not be in accord with the provisions of the Act. Upon approval of the investment plan by the Secretary funds to be managed under the investment plan are to be transferred to the Seminole Nation of Oklahoma at a mutually agreed time. Neither the United States nor the Secretary shall be liable, because of the Secretary's approval of an investment decision under this plan, for any losses in connection with such investment decision.

Funds managed under an investment plan will be audited annually. Within ninety (90) calendar days of the end of each fiscal year an audit report shall be distributed to the governing body and interested members of the Seminole Nation of Oklahoma. The report shall include a statement of the funds' performance and information relevant to the management of the funds including but not limited to: Financial statements, the amount of interest earned from each investment during the reporting period, and a statement of the investments of the funds with an appraisal at market value.

All annual expenses associated with the administration and management of the funds shall be paid from the fund income prior to the allocation of funds for programs.

General Provisions

Nothing in this plan shall preclude the tribal governing body from using a portion of the principal as collateral for bond obligations issued by the Seminole Nation.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 91–16807 Filed 7–15–91; 8:45 am]

BILLING CODE 4310–02–M

federal register

Tuesday
July 16, 1991

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

July 1, 1991.

This report is submitted in fulfillment of the requirement of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress.

This report gives the status, as of July 1, 1991, of 29 rescission proposals and ten deferrals contained in five special messages for FY 1991. These messages were transmitted to Congress on October 4, 1990, January 9, 1991, February 28, 1991, April 16, 1991, and June 28, 1991.

Rescissions (Table A and Attachment A)

As of July 1, 1991, 29 rescissions have been proposed totaling $4,854.3 million. Of the total amount proposed for rescission, $4,312.3 million was previously withheld but has been released, and $542.0 million, which has been pending before the Congress for less than 45 days, has not been withheld.

Deferrals (Table B and Attachment B)

As of July 1, 1991, $5,482.1 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1991.

Information from Special Messages

The special messages containing information on rescissions and deferrals that are covered by this cumulative report are printed in the **Federal Register** cited below:

55 FR 41436, Thursday, October 11, 1990.

56 FR 1704, Wednesday, January 16, 1991.

56 FR 10082, Friday, March 8, 1991.

56 FR 18644, Tuesday, April 23, 1991.

Richard Darman,

Director.

BILLING CODE 3110–01–M

TABLE A

STATUS OF FY 1991 RESCISSION PROPOSALS

	Amounts (In millions of dollars)
Rescissions proposed by the President.....	4,854.3
Rescission proposals rejected by the Congress.....	---
Rescission proposals for which funding was previously withheld and has been released.....	-4,312.3
Rescission proposals for which funding is not being withheld.....	-542.0
Rescission proposals for which funding is currently being withheld.....	---

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TABLE B

STATUS OF FY 1991 DEFERRALS

	Amounts (In millions of dollars)
Deferrals proposed by the President.....	10,192.8
Routine Executive releases through July 1, 1991.... (OMB/Agency releases of $4,757.3 million, partly offset by cumulative positive adjustment of $46.6 million.)	-4,710.7
Overturned by the Congress.....	---
Currently before the Congress.....	5,482.1

Attachments

ATTACHMENT A
Status of FY 1991 Rescission Proposals
(Amounts in thousands of dollars)

As of July 1, 1991 Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Amount Rescinded	Amount Previously Withheld and Made Available	Date Made Available	Congressional Action
DEPARTMENT OF AGRICULTURE								
Soil Conservation Service								
Watershed and flood prevention operations	R91–1		10,000	02–28–91		10,000	05–07–91	
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs	R91–28	115,000		06–28–91				
DEPARTMENT OF DEFENSE								
Procurement								
Procurement of weapons and tracked combat vehicles, Army	R91–2		86,000	02–28–91		86,000	05–13–91	
Procurement of ammunition, Army	R91–3		13,000	02–28–91		13,000	05–13–91	
Aircraft procurement, Navy	R91–4		1,093,500	02–28–91		1,093,500	05–13–91	
Weapons procurement, Navy	R91–5		2,600	02–28–91		2,600	05–13–91	
Shipbuilding and conversion, Navy	R91–6		405,000	02–28–91		405,000	05–13–91	
Other procurement, Navy	R91–7		10,000	02–28–91		10,000	05–13–91	
Procurement, Marine Corps	R91–8		2,000	02–28–91		2,000	05–13–91	
Aircraft procurement, Air Force	R91–9		14,200	02–28–91		14,200	05–13–91	
Missile procurement, Air Force	R91–10		74,700	02–28–91		74,700	05–13–91	
Other procurement, Air Force	R91–11		254,200	02–28–91		254,200	05–13–91	

ATTACHMENT A
Status of FY 1991 Rescission Proposals
(Amounts in thousands of dollars)

As of July 1, 1991 Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Amount Rescinded	Amount Previously Withheld and Made Available	Date Made Available	Congressional Action
Procurement, Defense Agencies.....	R91-12		65,303	02-28-91		65,303	05-13-91	
National guard and reserve equipment....	R91-13		289,900	02-28-91		289,900	05-13-91	
Research, Development, Test, and Evaluation								
Research, development, test, and evaluation, Army.....	R91-14		60,800	02-28-91		60,800	05-13-91	
Research, development, test, and evaluation, Navy.....	R91-15		834,500	02-28-91		834,500	05-13-91	
Research, development, test, and evaluation, Air Force.....	R91-16		134,100	02-28-91		134,100	05-13-91	
Research, development, test, and evaluation, Defense Agencies.....	R91-17		29,300	02-28-91		29,300	05-13-91	
Military Construction								
Military construction, Navy.....	R91-18		48,962	02-28-91		48,962	05-13-91	
Military construction, Air Force.....	R91-19		91,800	02-28-91		91,800	05-13-91	

ATTACHMENT A
Status of FY 1991 Rescission Proposals
(Amounts in thousands of dollars)

As of July 1, 1991 Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Amount Rescinded	Amount Previously Withheld and Made Available	Date Made Available	Congressional Action
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Family Support Administration								
Interim assistance to States for legalization	R91-27		2,400	04-16-91		2,400	05-13-91	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Annual contributions for assisted housing	R91-20		500,000	02-28-91		500,000	04-08-91	
	R91-29	427,000		06-28-91				
Congregate services program	R91-21		9,500	02-28-91		9,500	04-09-91	
Nehemiah housing opportunity fund	R91-22		39,112	02-28-91		39,112	04-09-91	
Community Planning and Development								
Urban development action grants	R91-23		13,518	02-28-91		13,518	04-09-91	
Rental rehabilitation grants	R91-24		70,000	02-28-91		70,000	04-09-91	
Urban homesteading	R91-25		13,397	02-28-91		13,397	04-09-91	
Rehabilitation loan fund	R91-26		144,459	02-28-91		144,459	04-08-91	
TOTAL, RESCISSIONS PROPOSED		542,000	4,312,251			4,312,251		

ATTACHMENT B
Status of FY 1991 Deferrals – As of July 1, 1991
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 7–1–91
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	D91–1	149,319		10–04–90					
	D91–1A		1,943,510	01–09–91					
	D91–1B		830	02–28–91					
	D91–1C		850,000	06–28–91	2,164,856			45,900	824,703
Foreign military financing	D91–8	4,820,649		01–09–91	2,559,140				2,261,509
Peacekeeping operations	D91–9	5,177		01–09–91	5,177				0
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expenses, brush disposal	D91–2	135,955		10–04–90					135,955
Cooperative work	D91–3	273,468		10–04–90					
	D91–3A		235,572	01–09–91					509,040
Timber salvage sales	D91–10	103,684		02–28–91					103,684
DEPARTMENT OF DEFENSE – CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D91–4	1,186		10–04–90					1,186

ATTACHMENT B
Status of FY 1991 Deferrals – As of July 1, 1991
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Releases(–): Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 7–1–91
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses (construction).....	D91–5	7,127		10–04–90					
	D91–5A		190	06–28–91					7,317
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund, executive....	D91–6	14,529		10–04–90					
	D91–6A		44,507	01–09–91	28,098			665	31,603
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund).....	D91–7	538,659		10–04–90					
	D91–7A		1,068,473	01–09–91					1,607,132
TOTAL, DEFERRALS.....		6,049,754	4,143,082		4,757,271			46,565	5,482,130

federal register

Tuesday
July 16, 1991

Part V

Federal Emergency Management Agency

44 CFR Part 361

National Earthquake Hazards Reduction Assistance to State and Local Governments; Final Rule

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 361

National Earthquake Hazards Reduction Assistance to State and Local Governments

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule with request for comments.

SUMMARY: FEMA is publishing this rule to implement the State and Local Government Assistance portion of the National Earthquake Hazards Reduction Program Reauthorization Act (Pub. L. 101–614), signed by the President on November 16, 1990. The report submitted by the Committee on Science, Space, and Technology directs FEMA to publish regulations to promulgate the changes as soon as possible. This law amends the Earthquake Hazards Reduction Act of 1977 (Pub. L. 95–124). The changes contained in this rule do not create hardships for States. The interim regulations being published at this time will govern State and local government assistance programs in fiscal year 1991 and thereafter.

DATES: July 16, 1991. Comments from the public are encouraged; they will be accepted until September 16, 1991.

ADDRESSES: Send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Earthquakes and Natural Hazards Programs Division, Office of Natural and Technological Hazards Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3662.

SUPPLEMENTARY INFORMATION:

General Information

The currently published 44 CFR part 361 is being withdrawn in its entirety and replaced with this rulemaking.

FEMA is publishing an interim (effective) rather than proposed rule because the amendments to the Earthquakes Hazards Reduction Act (the "Act") were effective immediately upon enactment (November 16, 1990). However, public comments are welcome and will be considered in the adoption of the final rule.

The amendments to the Act make several changes to the program which have been incorporated into this regulation.

The State matching requirements now provide a three-year phase-in period before States must make a 50 percent cash contribution. A State is not required to make a matching contribution the first year of receiving Federal funds. The second year the match requirement calls for a 25 percent in-kind contribution; and the third year a 35 percent in-kind contribution. For the fourth and continuing years a State must provide a 50 percent cash contribution.

Section 361.4(e) contains requirements pertaining to the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, known as the Supplemental Appropriation, will be distributed on a cost-shared basis to the States eligible for funding in federal year 1991. The participating States will make a 25 percent match which may be satisfied through an in-kind contribution.

In order to qualify for and receive assistance, a State must demonstrate that the assistance will result in enhanced seismic safety in the State. FEMA invites discussion regarding specifically how States will make this demonstration.

States must demonstrate that actions are being taken to ensure their ability to meet the 50 percent cash contribution commitment either on an ongoing basis or for new States by the fourth year of funding. FEMA invites discussion regarding specifically how States will make this demonstration.

The Act also includes a statement requiring States "meet such other requirements as the Director of the Agency shall prescribe" in order to qualify for assistance. The ultimate goal of this program is to assist States in mitigating against the loss of lives and property in the event of an earthquake. To facilitate this, the requirement that States dedicate 15 percent of funds to mitigation activities is restructured in this regulation. The mitigation requirement for fiscal year 1991 shall remain at 15 percent. However, at FEMA's discretion the percentage may be raised by as much as 5 percent within a one-year period. The amount of time a State has participated in the program will be considered in determining the increase. This is to encourage States to work toward expending the majority of effort, and ultimately funds, to enhance seismic safety in the State.

Additional requirements "as the Director of the Agency shall prescribe" include the prorated award of funds to States based on the amount of time remaining in the performance period after the statement of work is negotiated and approved; and the possible return of funds by the end of the third quarter if a State fails to perform in accordance with the approved statement of work.

In this program FEMA has maintained a position of prohibiting States from purchasing computer equipment with Federal funds. This program experienced limited funding in the early stages. In order to achieve the maximum benefit of the funds, the emphasis was placed on projects. Experience shows this policy may have created some inconvenience for States in performing their activities. To alleviate this situation, FEMA is providing an exception to this for first-year States, which may expend a limited amount of Federal funds on personal computer equipment as stated in § 361.7(b)(5). This applies to only first-year States as the previously participating States may purchase equipment with the State cash match.

Information Collection Requirements

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et.seq. and has assigned OMB control numbers 3067–0123 and 3067–0142.

Environmental Considerations

It has been determined that this action is categorically excluded from the requirements for environmental consideration contained in 44 CFR part 10. Any written comments on this determination may be sent to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

Regulatory Flexibility Act

The Agency has determined that this rule is not a major rule under Executive Order 12291, and I certify that the rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, so no regulatory impact analysis will be prepared.

Federalism Assessment

In promulgating this rule, FEMA has considered the President's Executive Order on "federalism" issued on October 26, 1987 (E.O. 12612, 52 FR 41685). The purpose of the Executive Order is to assure the appropriate division of governmental responsibilities between the national government and the States. Among other provisions, this rule implements the mandate in 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, that agency administrative provisions in regulations be consistent with part 13. There are changes in grant administration procedures which have Federalism impacts and therefore, a Federalism Assessment has been prepared. Interested parties may inspect or obtain copies of this assessment at the Office of the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

List of Subjects in 44 CFR Part 361

National earthquake hazards reduction assistance to state and local governments, Grant program, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, part 361 of title 44, chapter I of the Code of Federal Regulations is revised to read as follows:

PART 361—NATIONAL EARTHQUAKE HAZARDS REDUCTION ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Subpart A—Earthquake Hazards Reduction Assistance Program

Sec.

Subpart B—[Reserved]

Authority: Reorganization Plan Number 3 of 1978; 5 U.S.C. App. 1; Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. 7701 *et seq.*, E.O. 12148 and 12381.

Subpart A—Earthquake Hazards Reduction Assistance Program

§ 361.1 Purpose.

This part prescribes the policies to be followed by the Federal Emergency Management Agency (FEMA) and States in the administration of FEMA's earthquake hazards reduction assistance program, and establishes the criteria for cost sharing.

§ 361.2 Definitions.

(a) *Cash contribution* means the State cash outlay (expenditure), including the outlay of money contributed to the State by other public agencies and institutions, and private organizations and individuals. All expenditures must be listed in the project's approved budget.

(b) *Certification* represents the Governor's written assurance describing the steps State agencies will take toward meeting the 50 percent cash contribution required following the third year of program funding. The letter of certification is intended to assist the State maintain a commitment to and plan for securing the future cash match with the long-range goal of developing an ongoing, rather than a short-term, State program.

(c) *Cost sharing* and *matching* represent that portion of project costs not borne by the Federal Government.

(d) *Eligible activities* are activities for which FEMA may provide funding to States under this section. They include specific activities and/or projects related to earthquake hazards reduction which fall into one or more of the following categories: Preparedness and response planning; mitigation planning and implementation, including inventories preparation, seismic safety inspections of critical structures and lifelines, updating building and zoning codes and ordinances to enhance seismic safety; and public awareness and education. The activities that will actually be funded shall be determined through individual negotiations between FEMA and the States (see criteria in § 361.3(e)).

(e) *In-kind contributions* represent the value of non-cash contributions provided by the States and other non-Federal parties. In-kind contributions may be in the form of charges for real property and non-expendable personal property and the value of goods and services directly benefiting and specifically identifiable to the States' earthquake hazards reduction projects.

(f) *Project* means the complete set of approved earthquake hazards reduction activities undertaken by a State, or other jurisdiction, on a cost-shared basis with FEMA in a given Federal fiscal year.

(g) *Project period* is the duration of time over which an earthquake hazards reduction project is implemented.

(h) *State* refers to the States of the United States of America, individually or collectively, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, and any other territory or possession of the United States. It also means local units of government and/or substate areas that include a number of local government jurisdictions.

(i) *State Assistance* means the funding provided under this subpart by FEMA through the National Earthquake Hazards Reduction Program (NEHRP) to States to develop State programs specifically related to earthquake hazards reduction. The term also includes assistance to local units of government and/or substate areas, such as a group of several counties.

(j) *Target Allocation* is the maximum amount of FEMA earthquake program funds presumably available to an eligible State in a fiscal year. It is based primarily upon the total amount of State assistance funds available to FEMA annually, the number of eligible States, and a nationally standardized comparison of these States' seismic hazard and population-at-risk. The target allocation is not necessarily the amount of funding that a State will actually receive from FEMA. Rather, it represents a planning basis of negotiations between the State and its FEMA Regional Office which will ultimately determine the actual amount of earthquake State assistance to be provided by FEMA.

§ 361.3 Project description.

(a) An objective of the Earthquake Hazards Reduction Act is to develop, in areas of seismic risk, improved understanding of and capability with respect to earthquake-related issues, including methods of mitigating earthquake damage, planning to prevent or minimize earthquake damage, disseminating warnings of earthquakes, organizing emergency services, and planning for post-earthquake recovery. To achieve this objective, FEMA has implemented an earthquake hazards reduction assistance program for State and local governments in seismic risk areas.

(b) This assistance program provides funding for earthquake hazards reduction activities which are eligible according to the definition in § 361.2(d). The categories, or program elements, listed therein comprise a comprehensive earthquake hazards reduction project for any given seismic hazard area. Key aspects of each of these elements are as follows:

(1) *Mitigation* involves developing and implementing strategies for reducing losses from earthquakes by incorporating principles of seismic

safety into public and private decisions regarding the siting, design, and construction of structures (i.e., updating building and zoning codes and ordinances to enhance seismic safety); and regarding buildings' nonstructural elements, contents and furnishings. Mitigation includes preparing inventories of and conducting seismic safety inspections of critical structures and lifelines; and developing plans for identifying and retrofitting existing structures that pose threats to life or would suffer major damage in the event of a serious earthquake.

(2) *Preparedness/response planning* are closely related and usually considered as one comprehensive activity. They do differ, however, in that preparedness planning involves those efforts undertaken before an earthquake to prepare for and or improve capability to respond to the event, while response planning can be defined as the planning necessary to implement an effective response once the earthquake has occurred. Preparedness/response planning usually consider functions related to the following:

(i) Rescue and fire services,
(ii) Medical services,
(iii) Damage assessments,
(iv) Communications,
(v) Security,
(vi) Restoration of lifeline and utility services,
(vii) Transportation,
(viii) Sheltering, food and water supplies;
(ix) Public health and information services,
(x) Post-disaster recovery and the return of economic stability,
(xi) Secondary impacts, such as dam failures, toxic releases, etc., and
(xii) Organization and management.

(3) *Public awareness/earthquake education* activities are designed to increase public awareness of earthquakes and their associated risks, and to stimulate behavioral changes to foster a self-help approach to earthquake preparedness, response, and mitigation. Audiences that may be targeted for such efforts include:

(i) The general public,
(ii) School populations (administrators, teachers, students, and parents),
(iii) Special needs groups (e.g., elderly, disabled, non-English speaking),
(iv) Business and industry,
(v) Engineers, architects, builders,
(vi) The media, and
(vii) Public officials.

(4) *Other activities* in support of those listed in § 361.3(b) (1), (2), and (3) may include, but are not limited to, State seismic advisory boards which provide State and local officials responsible for implementing earthquake hazards reduction projects with expert advice in a variety of fields; hazard identification which defines the potential for earthquakes and their related geological hazards in a particular area; and vulnerability assessments, also known as loss estimation studies, which provide information on the impacts and consequences of an earthquake on an areas's resources, as well as opportunities for earthquake hazards mitigation.

(c) State eligibility for financial assistance to States under this section is determined by FEMA based on a combination of the following criteria:

(1) Seismic hazard, including the historic occurrence of damaging earthquakes, as well as probable seismic activity,

(2) Total population and major urban concentrations exposed to such risk, and

(3) Other factors, the loss, damage, or disruption of which by a severe earthquake would have serious national impacts upon national security, such as industrial concentrations, concentrations or occurrences of national resources, financial/economic centers and national defense facilities.

(d) Each fiscal year, FEMA will establish a target allocation of earthquake program funds for each eligible State.

(e) The specific activities, and the distribution of funds among them, that will be undertaken with this assistance will be determined during the annual Comprehensive Cooperative Agreement (CCA) negotiations between FEMA and the State, and will be based upon the following:

(1) The availability of information regarding identification of seismic hazards and vulnerability to those hazards,

(2) Earthquake hazards reduction accomplishments of the State to date,

(3) State and Federal priorities for needed earthquake hazards reduction activities, and

(4) State and local capabilities with respect to staffing, professional expertise, and funding.

(f) As a condition of receiving FEMA funding, a percentage of the amount of the total State project (FEMA State assistance, combined with the State match) must be spent for activities under the Mitigation Planning element. The percentage, to be determined by FEMA, may be increased by no more than 5 percent annually, beginning at 15 percent in fiscal year 1991 with a limit of 50 percent of the total State project. The increase will take into account the amount of time a State has been participating in the program. States may expend more than the required percentage of funding on eligible mitigation activities.

(g) The State match may be distributed among the eligible activities in any manner that is mutually agreed upon by FEMA and the State in the CCA negotiations.

(h) Negotiations between FEMA and the State regarding the scope of work and the determination of the amount of State assistance to be awarded shall consider earthquake hazards reduction activities previously accomplished by the State, as well as the quality of their performance.

§ 361.4 Matching contributions.

(a) All State assistance will be cost shared after the first year of funding. States which received before October 1, 1990, a grant which included the 50 percent non-Federal contribution to the State program, will continue to match the Federal funds on a 50 percent cash match basis.

(b) States which did not receive a grant before October 1, 1990, will assume cost sharing on a phased-in basis over a period of four years with the full cost sharing requirements being implemented in the fourth year. The sequence is as follows:

(1) For the first fiscal year, cost sharing will be voluntary. FEMA will provide State assistance without requiring a State match. Those States that are able to cost-share are encouraged to do so (on either a cash or in-kind basis).

(2) For the second fiscal year, the minimum acceptable non-Federal contribution is 25 percent of the total project cost, which may be satisfied through an in-kind contribution. Those States that are able to cost-share on a cash-contribution basis are encouraged to do so.

(3) For the third fiscal year, the minimum acceptable non-Federal contribution is 35 percent of the total project cost, which may be satisfied through an in-kind contribution. Those States that are able to cost-share on a cash-contribution basis are encouraged to do so.

(4) For the fourth fiscal year, full cost sharing will be implemented, requiring a minimum of a 50 percent non-Federal contribution to a State program, with this share required to be cash. In-kind matching will no longer be acceptable. Thus, every dollar FEMA provides to a State must be matched by one dollar from the State. States that can contribute an amount greater than that required by the match are permitted and

encouraged to do so. State assistance will, however, not exceed the established target allocation.

(c) The State contribution need not be applied at the exact time of the obligation of the Federal funds. However, the State full matching share must be obligated by the end of the project period for which the State assistance has been made available for obligation under an approved program or budget.

(d) In the event a State interrupts its participation in this program, if it later elects to participate again, the nature and amount of that State's cost sharing shall be determined by the regulations then in effect, taking into account the number of years in which the State previously participated.

(e) The matching share for those States determined to be eligible for program funding made available pursuant to Public Law 101–130; 103 Stat. 775, Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance which is designed for special projects not usually undertaken with ongoing fiscal year funds, shall be a 25 percent non-Federal contribution of the total target allocation, which may be satisfied through an in-kind contribution.

§ 361.5 Criteria for program assistance, matching contributions, and return of program assistance funds.

(a) In order to qualify for assistance, a State must:

(1) Demonstrate that the assistance will result in enhanced seismic safety in the State;

(2) Provide a share of the costs of the activities for which assistance is being given, in accordance with § 361.4; and

(3) Demonstrate the State is taking actions to ensure the State's ability to meet the 50 percent cash contribution commitment either on an ongoing basis or for new States, by the fourth year of funding.

(i) The Governor of a newly participating State must certify to the FEMA Regional Director the State will take steps to meet the 50 percent cash contribution requirement after the third year of funding. The specific steps to be taken will be outlined in the certification which must be submitted prior to the State receiving program funds.

(ii) The Governor must certify the State's continued commitment in the second and third years of funding. The certification will describe the progress made on the steps contained in the previous year's certification and steps to be taken in the future. The certification must be submitted to the Regional Director before the State will receive program funds.

(iii) If a State encounters difficulties meeting the 50 percent cash contribution requirement for the target allocation following the fourth year of funding, the Regional Director may require the Governor to continue certifying the State is working to resolve the difficulty.

(iv) A State will not receive Federal funds if it cannot provide the required cash contribution.

(b) The value of any resources accepted as a matching share under one Federal agreement or program cannot be counted again as a contribution under another.

(c) The State seeking the match shall submit documentation sufficient for FEMA to determine that the contribution meets the following requirements. The match shall be:

(1) Necessary and reasonable for proper, cost-effective and efficient administration of the project, allocable solely thereto, and except as specifically provided herein, not be a general expense required to carry out the overall responsibilities of State and local governments;

(2) Verifiable from the recipient State's records;

(3) Not allocable to or included as a cost of any other Federally financed program in either the current or a prior period;

(4) Authorized under State law;

(5) Consistent with any limitations or exclusions set forth in these regulations, Federal laws or other governing limitations as to types or amounts of cost items;

(6) Accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances;

(7) Provided for in the approved budget/workplan of the State; and

(8) Consistent with OMB Circular A–87, "Cost Principles for State and Local Governments," and with 44 CFR part 13 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

(d) A State must submit and FEMA must approve a statement of work prior to the State receiving any grant funds. The statement of work and target allocation of funds are based on a 12-month performance period. Except under extenuating circumstances, the funds initially obligated to the State will be based on the amount of time remaining in the performance period at the time the statement of work is approved.

(e) States are expected to perform activities and therefore expend funds on a quarterly basis in accordance with the approved statement of work. At the end of the third quarter, State and FEMA regional office staff will review the State's accomplishments to date. Funds not expended in accordance with the approved statement of work by the end of the third quarter of the performance period will not be made available to the State unless the State can demonstrate, and FEMA approves, its ability to adequately perform activities resulting in the expenditure of the funds by the end of the performance period.

§ 361.6 Documentation of matching contributions.

(a) The statement of work provided by the State to FEMA describing the specific activities comprising its earthquake hazards reduction project, including the project budget, shall reflect a level of effort commensurate with the total of the State and FEMA contributions.

(b) The basis by which the State determines the value of an in-kind match must be documented and a copy retained as part of the official record.

(c) The State shall maintain all records pertaining to matching contributions for a three-year period after the date of submission of the final financial report required by the CCA, or date of audit, whichever date comes first.

§ 361.7 General eligible expenditures.

(a) Expenditures must be for activities described in the statement of work mutually agreed to by FEMA and the State during the annual negotiation process, or for activities that the State agrees to perform as a result of subsequent modifications to that statement of work. These activities shall be consistent with the definition of eligible activities in § 361.2(d).

(b) The following is a list of eligible expenditures. When items do not appear on the list they will be considered on a case-by-case basis for policy determinations, based on criteria set forth in § 361.5. All costs must be reasonable, and consistent with OMB Circular A–87.

(1) Direct and indirect salaries or wages (including overtime) of employees hired specifically for carrying out earthquake hazards reduction activities are eligible when engaged in the performance of eligible work.

(2) Reasonable costs for work performed by private contractors on eligible projects contracted for by the State.

(3) Travel costs and per diem costs of State employees not to exceed the actual subsistence expense basis for the

permanent or temporary activity, as determined by the State's cost principles governing travel.

(4) Non-expendable personal property, office supplies, and supplies for workshops; exhibits.

(5) A maximum of $8,000 or 10 percent of the total project allocation, whichever is less, may be expended for personal computer equipment in the first year of program funding. A full-time earthquake staff person must be employed and the equipment must be dedicated entirely to the earthquake project.

(6) Meetings and conferences, when the primary purpose is dissemination of information relating to the earthquake hazards reduction project.

(7) Training which directly benefits the conduct of earthquake hazards reduction activities.

§ 361.8 Ineligible expenditures.

(a) Expenditures for anything defined as an unallowable cost by OMB Circular A–87.

(b) Federal funds may not be used for the purchase or rental of any equipment such as radio/telephone communications equipment, warning systems, and computers and other related information processing equipment, except as stated in § 361.7(b)(5). If a State wishes to use its matching funds for this purpose, it must:

(1) Document during the annual negotiation process with FEMA how this equipment will support the earthquake hazards reduction activities in its scope of work (see § 361.7(a)), and

(2) Claim as credit for its match, if the equipment is to be used for purposes in addition to support of earthquake hazards reduction activities, only that proportion of costs directly related to its earthquake hazards reduction project.

Subpart B—[Reserved]

Dated: July 10, 1991.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 91–16868 Filed 7–15–91; 8:45 am]

BILLING CODE 6718–21–M

federal register

Tuesday
July 16, 1991

Part VI

The President

Proclamation 6315—Captive Nations Week, 1991

Presidential Documents

Federal Register
Vol. 56, No. 136
Tuesday, July 16, 1991

Presidential Documents

Title 3—

The President

Proclamation 6315 of July 12, 1991

Captive Nations Week, 1991

By the President of the United States of America

A Proclamation

Each July 4, we Americans celebrate our Nation's Independence with a profound sense of gratitude for the blessings of liberty. Yet, as we rejoice in our freedom, we also remember our solemn obligation to speak out in behalf of those peoples who suffer under tyranny and oppression. Thus, this month we also observe Captive Nations Week.

Established at a time when Marxist-Leninist regimes had enslaved many nations of the world and overshadowed others with the very real threat of expansionism, our annual observance of Captive Nations Week has underscored our determination to defend the ideals of national sovereignty and individual liberty. It has also underscored our belief in the inevitable triumph of freedom and democratic ideals. Now, after more than three decades, we can see that our faith has been well founded; our vigilance and resolve have borne fruit.

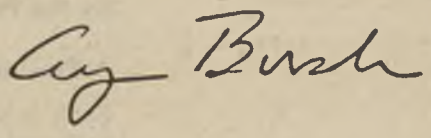
The world has entered a promising new era. Communism has failed throughout Eastern Europe. The Soviet Union has taken important steps toward democracy and openness. More and more regimes that once ruled by terror and force have fallen, swept away by courageous peoples who are eager to take their rightful place in the community of free nations—a community that is marked by respect for human rights and the rule of law.

Tragically, however, despite these welcome changes, there remain captive peoples whose sufferings cannot be overlooked. The United States is determined to keep faith with all oppressed peoples and to assist peaceful efforts to promote democracy and freedom. Indeed, until freedom and independence have been achieved for every captive nation, we shall continue to call on all governments and states to uphold both the letter and the spirit of international human rights agreements, including the Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the more recent Charter of Paris.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning July 14, 1991, as Captive Nations Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to reaffirm their commitment to upholding the God-given right of all peoples to liberty, justice, and self-determination.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.



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